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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

PENNSYLVANIA

County	Average value	Investment limit
Cumberland	$15,000	$12,000
Mifflin	15,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 1st day of October 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-11994; Filed, Oct. 4, 1951; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; VERMONT

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of different family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average value and the investment limit set forth below for said county.

VERMONT

County	Average value	Investment limit
Windham	$12,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; VIRGINIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average value and the investment limit set forth below for said county.

VIRGINIA

County	Average value	Investment limit
Northampton	$16,000	$12,000

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

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Secretary of Agriculture.

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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Bureau of Dairy Industry, Department of Agriculture

PART 301—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

On July 10, 1951, a notice of proposed rule making with respect to the amendment of the regulations relating to the sanitary inspection of process or renovated butter (9 CFR Part 301) was published in the FEDERAL REGISTER (16 F. R. 6686), and corrections in said notice were published in the FEDERAL REGISTER (16 F. R. 6777) on July 13, 1951. These regulations are effective pursuant to an act of Congress which was approved on June 24, 1946 (60 Stat. 300; 26 U. S. C. 2325, 2326, and 2327) entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes" (hereafter referred to as the "act").

In the aforementioned notice, opportunity was afforded all interested persons to submit written data, views, or arguments for consideration in connection with the proposed amendments, it being specified that such written comment should be submitted to the Chief, Bureau of Dairy Industry, Agricultural Research Administration, United States Department of Agriculture, Washington, D. C. The time for filing such written comment has now expired, and the written comment which was received is set forth and discussed below as follows:

1. The present provisions of § 301.5 (a) require that all ingredients for use in the manufacture of process or renovated butter be packed in metal or wood containers. It was proposed in the notice that any such metal containers should have smooth inner surfaces without pockets or recesses. The written comment developed that ingredients other than butter are packaged in containers other than metal or wood which have been adopted by the trade, and which have proved to be satisfactory. It was also stated that, at times when other metal cans are not available, farmer-producers are accustomed to using syrup cans, and it was contended that for this reason the continued use of such cans should be permitted. In addition, written comment was submitted to the effect that, in addition to metal and wood containers, manufacturers should be permitted to receive butter packaged in plastic or viscose containers.

It is recognized that some ingredients other than butter are packaged in a manner designed to give maximum protection to the contents, and, insofar as such other ingredients are concerned, it is concluded that the purpose of the regulation would be served by merely requiring that the containers of such other ingredients afford adequate protection of the contents. It is also concluded that the use of viscose or plastic containers for butter should be permitted, as should metal containers if lacquered instead of being coated with non-corrosive metal on the inside. However, the proposed requirement that metal containers have smooth inner surfaces without pockets or recesses should be adopted, because experience has demonstrated the impracticability of properly cleaning metal containers which are not so constructed.

2. It is provided in § 301.5 (e) of the present regulations that all processing of butter intended for use in the manufacture of process or renovated butter, including the melting of such butter, shall be done at a process or renovated butter factory under the supervision of an inspector, except that in a proviso to said section, butter may be melted by the "original farmer-producer" thereof. It was proposed in the notice that this exception be amended so as to require that the particular farmer-producer identify the container of butter melted by him by affixing his name and address thereon. The written comment developed that such an additional requirement would not be practicable of operation, one of the main reasons being that the identifying labels or tags could easily become detached, and this may result in the condemnation of considerable quantities of satisfactory butter. While it is believed that the proposed identification of the farmer-producer of melted butter would be a desirable factor in deterring persons other than farmer-producers and the manufacturers from melting butter, and thus violating the regulations, it is concluded that the impracticability of the operation of such a requirement must be recognized, and, therefore, that the proposed identification provisions should not be adopted.

3. Section 301.6 (b) of the present regulations requires that any lot of butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any avian, reptilian, mammelian, amphibian, or piscine animal, or any cockroach, flea, or louse, including immature stages or parts thereof, or any excrement therefrom, shall be condemned in its entirety. Section 301.6 (c), however, requires that, if any portion of any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter is found, upon inspection, to contain any insect or animal not specifically referred to in § 301.6 (b), including immature stages or parts thereof, or excrement therefrom, only the infested portion need be removed from the lot and condemned. It was proposed in the notice that the provisions of § 301.6 (b) be made applicable to all such infestations, and that the provisions of § 301.6 (c) be deleted. The written comment was to the effect that the deletion of § 301.6 (c) could result in the condemnation of an entire container of butter, or other ingredient, whereas the wholesomeness thereof could be effectuated merely by the condemnation of the infested portion. Upon further consideration, it is concluded that the provisions of § 301.6 (b) and 301.6 (c) should be retained in their present form. While the proposed way of handling set forth in the notice would have tended to in-

crease the wholesomeness of process or renovated butter, the present provisions are reasonably adequate for that purpose, and the proposed change would, as contended, have required the condemnation of unaffected portions of such partially affected lots which are reasonably satisfactory for use.

4. It is provided in § 301.10 of the present regulations that inspection may be withdrawn from any process or renovated butter factory in case of non-compliance with the regulations, except that such withdrawal action is to be held in abeyance "unless and until the facts or conduct which the chief of the bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been afforded an adequate opportunity to demonstrate compliance with all of such standards." In the notice, it was proposed to qualify the aforementioned exception to the extent that opportunity to demonstrate compliance could be denied "in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety." One process or renovated butter manufacturer submitted written comment to the effect that such exception should be retained in its present form, claiming that "elimination of notification might result in some very disastrous mistakes" since the action might be taken on the basis of "erroneous information." Section 9 (b) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), relating to the withdrawal of licenses, expressly permits the suspension or revocation of the same without affording the violator an opportunity to demonstrate or achieve compliance in any case wherein it appears that the violation was wilful or wherein public health, interest, or safety requires such action. The inspection service which is provided under these regulations and the act is in the nature of a license. It is concluded that the indicated modification of the exception in accordance with the legal authorization should be adopted. It would enable the Department to take prompt and appropriate action with respect to any violation which may occur. It would effectuate efficient administration of the regulations and the act, and protect the public health, interest, and safety. It is contemplated that, in any case where such withdrawal action is taken, the particular manufacturer will be afforded an opportunity to demonstrate either that such violation was not wilful or that it did not endanger the public health, interest or safety. If he should be able to demonstrate that these two situations were not present, appropriate action will be taken to restore his right to do business from the standpoint of permitting him to operate in accordance with the regulations. Of course, no withdrawal action, temporary or otherwise, will be taken except on the basis of reliable, probative, and substantial evidence.

5. The suggestion was made in written comment that the regulations be amended to permit manufacturers to dispose of butter and other ingredients intended for use in the manufacture of process or renovated butter which are found to be unfit therefor without denaturation. It was contended that these materials should be permitted to be disposed of "by any method which affords a reasonable guarantee that they will not be used for edible purposes." It is specifically required by the act that all such ingredients and process or renovated butter which are found to be unfit "shall be denatured or destroyed under the supervision of the inspector." Thus, in the absence of physical destruction, there must be denaturation.

6. The contention was also made that the present regulations should be amended so as to permit the packaging of process or renovated butter in premises other than in a process or renovated butter factory; in other words, to permit process or renovated butter to be cut into chips or pats in other than process or renovated butter plants. The clear spirit and intent of the act is that all manufacturing operations in connection with process or renovated butter shall be confined to process or renovated butter plants. It is not within the scope or authority of the Department to permit process or renovated butter to be processed or packaged other than in the premises of a plant which has qualified under the Internal Revenue law, and which has furnished bond to comply with that law and the regulations issued pursuant thereto.

7. It was further suggested that the present regulations should be amended so as to permit process or renovated butter manufacturers to sell butter oil for use in the manufacture of products other than process or renovated butter. This would also not be permissible under the act. The clear and unmistakable intent of the act is that process or renovated butter plants shall be used only for the manufacture of process or renovated butter. The supervisory functions and duties of the Department under that law and the implementing regulations must be confined to the manufacturing operations in connection with the production of process or renovated butter. If sales of butter oil were permitted, it is conceivable the Department's supervisory operations would shift from supervision over a plant primarily engaged in the manufacture of process or renovated butter to one primarily engaged in the manufacture of butter oil for use in the production of products other than such butter. This would be contrary to the expressed intent of Congress in enacting such law.

8. The suggestion was also made that the definition of the term "process" or "renovated butter" be modified. Such definition in the present regulations does no more than follow the definition of that term which is set forth in the law (26 U. S. C. 2620 (c)). In these circumstances, the Department is without authority to make any change or modification of that definition, since the definition is a statutory one, and may be changed only by an act of Congress.

To effectuate the proposed amendments set forth in the notice of proposed rule making, as modified by the conclusions in connection with the written comment thereon as set forth above, *It is hereby ordered*, That, effective 30 days after the publication of this document in the FEDERAL REGISTER, the regulations with respect to the sanitary inspection of process or renovated butter be amended to read as follows:

SUPERVISORY OFFICIAL

DEFINITIONS

MAINTENANCE OF INSPECTION AND ACCESS TO PREMISES

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER FACTORIES

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

INSPECTION STANDARDS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

AUTHORITY: §§ 301.1 to 301.52 issued under sec. 1, 60 Stat. 300; 26 U. S. C. 2325 (e).

SUPERVISORY OFFICIAL

§ 301.1 *Chief of Bureau of Dairy Industry charged with administration of regulations in this part.* The Chief of the Bureau of Dairy Industry, Agricultural Research Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part.

DEFINITIONS

§ 301.2 *Department.* The United States Department of Agriculture.

§ 301.3 *Bureau.* The Bureau of Dairy Industry, Agricultural Research Administration, United States Department of Agriculture.

§ 301.4 *Chief of Bureau.* The administrative head of the bureau.

§ 301.5 *Inspector.* Any officer or other employee of the bureau who is authorized or directed to make any inspection in connection with the administration of the regulations in this part.

§ 301.6 *Person.* Any natural person, a corporation, a partnership, a company, a trust or estate, a joint-stock company, an association, or other unincorporated organization or group. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

§ 301.7 *Butter.* The food product usually known as butter which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

§ 301.8 *Process or renovated butter.* Butter which has been subjected to any process by which it is melted, clarified, or refined, and made to resemble butter as defined in § 301.7, excepting "adulterated butter" as defined in 26 U. S. C. 2320 (b).

§ 301.9 *Process or renovated butter act.* The act of Congress approved June 24, 1946, entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes" (60 Stat. 300; Pub. Law 427, 79th Cong.).

MAINTENANCE OF INSPECTION AND ACCESS TO PREMISES

§ 301.10 *Maintenance of sanitary inspections of premises and products.* Inspection will be maintained at each process or renovated butter factory and the premises connected therewith during all periods of its operation. The factory management shall give the inspector reasonable advance notice of any change in its usual operating hours.

§ 301.11 *Access to factory premises, etc., for inspection purposes.* The inspector shall have full and free access at all times to every part of any process or renovated butter factory, and to all other premises and grounds used in connection therewith.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER FACTORIES

§ 301.12 *Factories, storehouses, etc., to be kept sanitary and separate.* All factories, storehouses, and other premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, shall be used exclusively for such purposes, shall be separated by solid walls or partitions from any premises used for other purposes, and shall be maintained in a sanitary condition: *Provided, however,* That butter oil may be stored in commercial cold storage warehouses.

§ 301.13 *Lighting, screening, ventilating, and draining.* All factories, storehouses, and other premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, shall be suitably lighted, screened, and ventilated. All such premises shall also be provided with adequate drains, which shall be properly trapped and sewer connected. Rooms shall be kept reasonably free from steam and other vapors.

§ 301.14 *Care of floors, ceilings, walls, partitions, etc.* All parts of any premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, including, but not limited to, the floors, ceilings, walls, pillars, partitions, platforms, and stairways of such premises, shall be kept clean, and shall be scraped, washed, painted, or otherwise treated as required by the inspector. When any part of the premises, or any equipment, becomes so old or in such condition that it cannot readily be kept clean and sanitary, it shall be replaced. Walks, platforms, and other approaches to all such premises shall be kept clean.

§ 301.15 *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nickeled, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, trucks, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of process or renovated butter, shall be kept in a clean and sanitary condition.

§ 301.16 *Sanitary pumps, pipes, and fittings required.* All pumps, pipes, and fittings used for conveying or conducting milk, skim milk, cream, mixtures containing milk or cream, or butter oil shall be of the so-called sanitary types. Specifically: (a) The pumps shall be so constructed that all parts with which milk, skim milk, cream, mixtures containing milk or cream, or butter oil, come into contact shall be made of a non-corrosive metal, or shall be suitably nickeled, tinned, or coated with other non-corrosive metal, and all such parts shall be readily accessible for cleaning; (b) all pipes shall have smooth outer and inner surfaces coated with nickel, tin, or other non-corrosive metal; and (c) all fittings shall have smooth outer and inner surfaces coated with nickel, tin, or other non-corrosive metal, and shall be of such design that there are no pockets or recesses on the inside. All pumps, pipes, and fittings shall be kept in a sanitary condition, and shall, after the completion of each daily operation, be disassembled and thoroughly washed and sterilized before being reassembled and used again.

§ 301.17 *Cleanliness of employees and of clothing worn.* All employees or other persons who handle process or renovated butter, or any ingredient entering into its manufacture, shall be required to keep themselves clean, particularly their hands, and signs to that effect shall be posted in conspicuous places in the manufacturing room and elsewhere on the

premises as conditions require. Aprons, smocks, and other outer clothing worn by employees or other persons who handle, or in any way come in contact with process or renovated butter, or with any ingredient entering into its manufacture, shall be of materials that may be made sanitary by washing, and only clean garments shall be worn. Boots and shoes shall be kept reasonably clean.

§ 301.18 *Communicable diseases of employees.* No person affected with any infectious, contagious, or other communicable disease, or who is a carrier thereof, shall be employed in any factory where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and any employee suspected of being so affected shall be reported by the inspector to the factory management and to the chief of bureau.

§ 301.19 *Lavatories, toilets, and dressing rooms; location and equipment.* All lavatories, toilets, and dressing rooms shall be separate and distinct from the rooms in which process or renovated butter is manufactured, packaged, stored, or otherwise handled, as well as from rooms in which ingredients intended for use in the manufacture of process or renovated butter are stored; and where any such lavatory, toilet, or dressing room opens into a room used for any of the aforesaid purposes it shall be provided with automatically closing doors. Such lavatories, toilets, and dressing rooms shall also be conveniently located, sufficient in number (including separate facilities for women where both sexes are employed), adequate in size, and fitted with appropriate accommodations, including toilet paper, individual paper towels, soap, and running hot and cold water, and shall be properly lighted, suitably ventilated, and kept clean and sanitary.

§ 301.20 *Freedom from objectionable odors and substances.* All premises in which process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises in which ingredients intended for use in the manufacture thereof are stored, shall be kept free from objectionable odors coming from poultry rooms, egg rooms, drains, sewers, or other source. Every practicable precaution, including the use of appropriate sprays, traps, etc., shall be taken to exclude all organic or inorganic foreign substances, particularly flies, rats, mice, and other vermin, from such premises.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

§ 301.21 *Requirements for containers of ingredients.* In order to safeguard the purity and fitness of butter, butter oil, milk, and other ingredients for use in the manufacture of process or renovated butter, no manufacturer shall accept delivery of butter unless, at the time of such receipt, it is packed in a container which is constructed of: (a) Non-corrosive metal; (b) a corrosive metal which has been coated with some non-corrosive metal or lacquer; (c) wood which is tightly fitted together, parchment lined, and tightly headed; or (d) viscose or plastic. Such containers shall be equipped with tightly fitted covers or a closing device, and shall be kept covered or closed at all times. Containers constructed of materials mentioned in paragraph (a) or (b) of this section shall have smooth inner surfaces without pockets or recesses. Every container of butter shall be cleaned and dried thoroughly before it is used again. Butter received in a process or renovated butter factory in a container which does not meet the requirements of this section shall be denatured or destroyed in accordance with the provisions of § 301.33, as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used. Milk, nonfat dry milk solids, and other ingredients, except butter, shall be deemed to be fit for use in the manufacture of process butter if the containers thereof are so designed as to afford proper protection of the contents thereof, provided such ingredients are otherwise eligible for such use.

§ 301.22 *Pure, clean water and ice to be used.* Only pure, clean water and ice shall be used in the manufacture of process or renovated butter. When there is any doubt on the part of the inspector regarding the purity of the ice or water supply, he shall report the facts to the factory management and to the chief of bureau.

§ 301.23 *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

§ 301.24 *Pasteurization of mixtures and emulsions; approved recording dairy thermometers required.* Every mixture or emulsion made from milk, skim milk, or cream (either in liquid or powdered form) and butter oil shall be properly pasteurized before it is used in the manufacture of process or renovated butter. A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization.

§ 301.25 *Butter must be melted, clarified, etc., at factory under supervision of inspector.* No butter shall be used in the manufacture of process or renovated butter unless the melting, clarifying, refining, and other processing of it has been done at a process or renovated butter factory under the supervision of an inspector: *Provided,* That butter melted by the original farmer-producer thereof and placed and stored by him in a container meeting the specifications prescribed in § 301.21 which is sold to a process or renovated butter manufacturer (either directly or through a designated representative of such manufacturer) may be used by such manufacturer in the manufacture of process or renovated butter, if it is otherwise eligible for such use.

§ 301.26 *Process or renovated butter and ingredients must be kept, stored, and handled in a sanitary manner.* All milk, skim milk, or cream (in either liquid or powdered form), and all butter, butter oil, and other ingredients intended to be used in the manufacture of process or renovated butter, as well as all process or renovated butter, shall be kept, stored and handled in a sanitary manner.

§ 301.27 *All containers must be kept and stored in a sanitary manner.* All cartons, packages, tubs, cans, tins, wrappers, liners, or other containers intended for use in the packaging of process or renovated butter shall be kept and stored in a sanitary manner.

INSPECTION STANDARDS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

§ 301.28 *Process or renovated butter, and prospective ingredients thereof, found to be putrid and decomposed, or to be rancid, etc.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to be putrid or decomposed shall be deemed to be unfit for such use. Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to be rancid, cheesy, bleached, oxidized, or otherwise deteriorated to an extent which cannot be removed by any generally recognized processing method shall also be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed, by or under the supervision of an inspector, in accordance with the provisions of § 301.33. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 301.29 *Process or renovated butter, and prospective ingredients thereof, found to contain any avian animal, etc., including immature stages or parts thereof, or excrement therefrom; destruction or denaturation required.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any avian, reptilian, mammalian, amphibian, or piscine animal, or any cockroach, flea, louse, or fly, or any other insect or animal not specifically mentioned, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of § 301.33. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 301.30 *Process or renovated butter, and prospective ingredients thereof, found to contain any insect, or other animal, not referred to in § 301.29, including immature stages or parts thereof, or excrement therefrom; extent of destruction or denaturation required.*

Any portion of any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any insect, or other animal not specifically referred to in § 301.29, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use, and such infested portion shall be removed therefrom and placed in a container marked "U. S. Inspected and Condemned," and shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of § 301.33. In determining the portion to be so condemned and denatured or destroyed, the following rules shall govern: (a) If the infestation is of such a local character that it may be removed and still leave a remaining portion which is unaffected, such unaffected portion may be passed for human food after the removal and the condemnation of the infested portion; (b) however, if the infestation is of such a general character that the complete extirpation thereof would be difficult and uncertainly accomplished, all of the contents of such container shall be condemned and denatured or destroyed as aforesaid. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 301.31 *Prospective ingredients found to contain any visible mold, etc.; extent of destruction or denaturation required.* Any portion of any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any visible mold, bits of wood or metal (including scrapings), dirt, dust, or other debris, shall be deemed to be unfit for such use, and such contaminated portion shall be removed therefrom and placed in a container marked "U. S. Inspected and Condemned," and shall be denatured or destroyed, by or under the supervision of an inspector, in accordance with the provisions of § 301.33. In determining the portion which shall be condemned and denatured or destroyed, the following rules shall govern: (a) If the contaminated portion is of such a local character that it may be removed and still leave a remaining portion which is unaffected, such unaffected portion may be passed for human food after the removal and condemnation of the contaminated portion; (b) however, if the contamination is of such general character that the extirpation thereof would be difficult and uncertainly accomplished, all of the contents of such container shall be condemned and denatured or destroyed as aforesaid. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 301.32 *Identification of process or renovated butter, and of ingredients intended for use in its manufacture, which have passed inspection.* All butter, butter oil, milk, and other ingredients intended for use in the manufacture of process or renovated butter, or portions thereof, which, after final inspection, are not condemned, pursuant to the provisions contained in §§ 301.28, 301.29, 301.30 or 301.31, shall be considered to be fit for such use, and the containers thereof shall be marked "U. S. Inspected and Passed." All process or renovated butter which, after final inspection, is not condemned, pursuant to the provisions contained in §§ 301.28, 301.29, 301.30 or 301.31, shall be deemed to be clean, wholesale, healthful, and otherwise fit for human food, and the containers thereof shall be marked "U. S. Inspected and Passed."

§ 301.33 *Destruction or denaturation of condemned process or renovated butter, and of condemned prospective ingredients.* Each lot of condemned process or renovated butter, and each lot of condemned butter, butter oil, milk, or other ingredient which was intended for use in the manufacture of process or renovated butter, shall be either destroyed or denatured, at the option of the process or renovated butter manufacturer, by or under the supervision of an inspector. Any such destruction shall be accomplished either by burning, or by dumping in a sewer, whichever method the inspector may deem to be the most expedient, practicable, and effective to accomplish the desired purpose. Any such denaturation shall be accomplished by the addition to each 100 parts of the condemned portion of either (a) three parts of rosin oil, (b) one-fourth part of pyridin, (c) four parts of aniline oil, (d) six parts of dark colored oleic acid, or (e) one and one-half parts of kerosene, and the thorough mixing of such denaturant with such condemned portion. Every such denaturation shall be by, or under the supervision of, an inspector, and the denaturant used in each instance shall be furnished by, and at the expense of, the particular process or renovated butter manufacturer.

§ 301.34 *Storage and safekeeping of any lot of process or renovated butter, and of any lot of ingredients intended for use in its manufacture, pending further inspection of such lot.* If any lot of process or renovated butter, or any lot of butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter, upon inspection, does not plainly show, but is suspected of being affected with any infestation or contamination which, under the provisions of the regulations in this part, may cause condemnation, in whole or in part, the container of such lot shall be so marked by the inspector as to preserve its indentity as a suspect requiring further inspection, and it shall be placed in a separate room or rooms, which room or rooms shall be securely locked, and the keys to which shall be in the custody of an inspector.

§ 301.35 *Reinspections.* Any process or renovated butter, even though it has previously been inspected and passed, may be reinspected by an inspector as often as he may deem it necessary to determine whether it is clean, wholesome, healthful, and otherwise fit for human food. Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter may, even though it has previously been inspected and passed, be reinspected by an inspector as often as he may deem it necessary to determine whether it is fit for such use.

§ 301.36 *Ingredients must be inspected and passed prior to use in manufacturing.* No ingredient of any kind shall be used in the manufacture of process or renovated butter unless and until it has been inspected and passed for that purpose by an inspector.

MARKING, LABELING, AND BRANDING OF PROCESS OR RENOVATED BUTTER

§ 301.37 *Statutory packages.* Each package of process or renovated butter shall have legibly printed or stenciled on one of its sides the words "Process Butter," also the factory number, district, and State and the net weight, in the following manner:

Process Butter
Factory No. 2, 2d Dist., New York
Net Weight, 60 Lbs.

The words "Process Butter" shall be in bold-face gothic letters, not less than three-quarters of an inch square, and the other words and figures shall be not less than one-half an inch square. The color of such words and figures shall be in strong contrast to the color of the package. No container of bulk-packed process or renovated butter, and no container of two or more cartons or prints of process or renovated butter shall be removed from the factory unless and until each such container, as well as each such carton or print, is stamped "U. S. Inspected and Passed" by the inspector.

§ 301.38 *Cartons, wrappers, and other containers.* Each of the cartons, wrappers, and other containers in which prints or rolls of process or renovated butter are placed shall be branded on one panel with the words "Process Butter" in bold-face gothic letters not less than three-eighths of an inch square. The color of such printed or stenciled words shall be in strong contrast to the color of the wrapper or carton. No other marks shall be placed on the panel of the carton, wrapper, or other container on which such words are branded, except the words "U. S. Inspected and Passed."

§ 301.39 *Net weight requirements; pictorial misrepresentations prohibited.* Each carton, wrapper, or other container in which prints or rolls of process or renovated butter are placed, shall show the manufacturer's name and address, or the factory number, district, and State, and shall bear a plain and conspicuous statement of the net weight of the contents. Such cartons, wrappers, or other containers shall bear no pictorial, or other representation, which may create the impression that the article therein contained is other than process or renovated butter.

§ 301.40 *Surface impressions.* The top surface of solid-packed process or renovated butter shall be imprinted with the words "Process Butter" in plain gothic letters not less than one-half an inch square, and such words shall be impressed at least one-eighth of an inch

deep. Prints and rolls of process or renovated butter shall be similarly impressed with letters not less than three-eighths of an inch square. The surface impression may be omitted from prints and rolls of a pound unit weight, or less, if there is compliance with all other requirements.

§ 301.41 *Marks, etc., requiring approval.* With the exception of shipping marks, any marks, brands, or labels, other than those prescribed by the regulations in this part, shall be approved by the chief of bureau before they are used on packages, cartons, wrappers, or other containers of process or renovated butter. Triplicate copies of proposed new labels, cartons, or wrappers, in the form of sketches, proofs, or photographic copies, shall be transmitted through inspectors to the chief of bureau for approval. After such labels, cartons, or wrappers have been printed, lithographed, or embossed in accordance with approved sketches or proofs, three of each of such labels, cartons, or wrappers shall be submitted through inspectors for final approval and filing. Stocks of packages, cartons, wrappers, or other containers shall not be acquired prior to such final approval.

§ 301.42 *Evidence of approval.* Approved copies of all labels, cartons, or wrappers shall be retained in the manufacturers' registered place of business, and kept available for inspection by representatives of the United States Department of Agriculture.

PENALTIES

§ 301.43 *Forgery, etc., of marks, stamps, labels, or tags.* No person shall forge, counterfeit, simulate, falsely represent, detach, or knowingly alter, deface, or destroy, or use without proper authority, any of the marks, stamps, labels, or tabs provided for in the regulations in this part for use on process or renovated butter, or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

§ 301.44 *False or misleading statements on wrappers, labels, cartons, or containers.* No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

§ 301.45 *Transportation of process or renovated butter which has not been inspected and passed, and properly marked, labeled, and branded.* No person shall transport, or offer for transportation, or sell, or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed, and marked, labeled, and branded in accordance with the provisions contained in the regulations in this part.

§ 301.46 *Maximum penalty for violation.* Any person who violates any provision of the process or renovated butter act, including, but not limited to, any provision set forth in §§ 301.43, 301.44, or 301.45, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than six months, or by both such fine and imprisonment.

REPORTS

§ 301.47 *Work reports.* Reports of the work carried on in each process or renovated butter factory shall be submitted to the bureau by the inspector assigned to such factory at such times, on such forms, and in such manner as may be specified by the chief of bureau.

§ 301.48 *Furnishing of information.* Each manufacturer of process or renovated butter shall furnish an inspector, upon request therefor, with accurate information in regard to his manufacturing operations.

§ 301.49 *Reports of violations.* Every inspector shall report promptly to the chief of bureau the facts and circumstances respecting any known or suspected violation of the process or renovated butter act, or of the regulations in this part.

WITHDRAWALS OF INSPECTIONS

§ 301.50 *Withdrawals of inspections.* In any case in which the chief of bureau determines that the sanitary conditions existing in any process or renovated butter factory do not meet any of the standards prescribed in §§ 301.12 to 301.27, inclusive, he shall cause inspection to be withdrawn from such factory: *Provided,* That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate compliance with all of such standards. In any case in which the chief of bureau determines that any manufacturer of process or renovated butter has failed to comply with any provision of these regulations, other than any of those set forth in §§ 301.12 to 301.27, inclusive, the chief of bureau is authorized, in his discretion, to withdraw inspection from such manufacturer's factory: *Provided,* That, except in cases where the chief of bureau determines that a violation was wilful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the chief of bureau believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate or achieve compliance with all such provisions. Every such withdrawal of inspection shall remain effective for such period of time as the chief of bureau may order, except that in no event shall inspection be resumed in any factory from which inspection was withdrawn for failure to meet any standard prescribed in §§ 301.12 to 301.27, inclusive, unless or until it appears, to the satisfaction of the chief of bureau, that all requirements prescribed in such sections are being met.

OFFICE SPACE

§ 301.51 *Furnishing of office space, etc., to inspectors.* Properly and adequately furnished office space, including light, heat, and janitor service, shall be provided, without expense to the bureau, for the use of inspectors.

REVIEW OF DECISIONS

§ 301.52 *Review of inspector's decisions.* Any person who is dissatisfied with the decision of any inspector with respect to any matter covered in the regulations in this part may, by making written request to the chief of bureau therefor, obtain a review of such decision by the chief of bureau, whose decision shall be final. However, nothing contained herein shall be construed to deny or abridge the power of the chief of bureau to make decisions originally, whenever he shall deem it advisable to do so, with regard to any matter covered in the regulations in this part.

Issued at Washington, D. C., this 1st day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-11993; Filed, Oct. 4, 1951; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs. Amdt. 76[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.1 *Export licensing general policy,* is amended in the following particulars:

Paragraph (h) *Commodities subject to this export licensing policy,* subparagraph (1) is amended by adding thereto all RO commodities with processing code MINL.

This part of the amendment shall become effective as of October 2, 1951.

2. Section 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products,* is amended in the following particulars:

Paragraph (d) *Nonferrous metal alloys,* is amended to read as follows:

(d) *Nonferrous metal alloys.* The following provisions are applicable to all

[1] This amendment was published in Current Export Bulletin No. 641, dated September 27, 1951.

nonferrous metal alloys (including bimetals, thermometals, etc.) on the Positive List with the processing codes NONF and MINL: Applications for licenses to export such commodities must contain, in item 9 (b) of Form IT-419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity (such as are published in "Engineering Alloys" by the American Society for Metals).

This part of the amendment shall become effective as of October 2, 1951.

3. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities,* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

[Fourth quarter 1951 and first quarter 1952]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1951	First quarter 1952
	Hides and skins, raw, except furs		
020104	Cattle hides, wet	The first month of the current calendar quarter.	The first month of the current calendar quarter.
020602	Calf skins, dry [2]		
020604	Calf skins, wet (include slunk skins)		
020702	Kip skins, dry [2]		
020704	Kip skins, wet		
025098	Buffalo hides		
	Other nonmetallic minerals [3]		
547300	Artificial graphite electrodes for furnace or electrolytic work, 1 inch in cross-sectional dimension and over.	Sept. 10-Sept. 21, 1951	Dec. 3-Dec. 14, 1951.
547300	Carbon rods and electrodes for furnace or electrolytic work, 1 inch in cross-sectional dimension and over.		
548098	Artificial graphite blocks, bricks, or shapes		
548098	Carbon or artificial graphite rods and electrodes for other than furnace or electrolytic work, 1 inch in cross-sectional dimension and over.		
	Metals and manufactures [3]		
	Controlled Materials: [4] [5]		
	Commodities with processing code STEE or TNPL:		
	Stainless and other alloy steel	June 1-June 15, 1951	Sept. 17-Sept. 28, 1951.
	All other	July 2-July 16, 1951	Oct. 1-Oct. 15, 1951.
	Commodities with processing code NONF	July 2-July 16, 1951	Oct. 1-Oct. 15, 1951.
	Commodities Other Than Controlled Materials:		
	All commodities with processing code NONF under the following headings:		
	Aluminum and manufactures	July 2-July 16, 1951	Nov. 1-Nov. 15, 1951.
	Copper and manufactures	Sept. 1-Sept. 15, 1951	Nov. 1-Nov. 15, 1951.
	Brass and bronze manufactures	Sept. 1-Sept. 15, 1951	Nov. 1-Nov. 15, 1951.
	Lead, nickel, tin, zinc, and manufactures	Sept. 10-Sept. 21, 1951	Nov. 1-Nov. 15, 1951.
662000	Babbitt metal	Sept. 10-Sept. 21, 1951	Nov. 1-Nov. 15, 1951.
664515	Cadmium dross, flue dust, residues, and scrap		
664915	Cadmium metals (metallic shapes included)		
664917	Cadmium alloys		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.3 (a).)

[2] Applications covering calf and kip skins, dry, imported, filed in accordance with § 373.6 (a), may be submitted at any time.

[3] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) and 374.3 (d)).

[4] See for list of controlled materials § 398.5 (e).

[5] See § 398.5 (d) for exception to these dates under certain conditions.

This part of the amendment shall become effective as of September 27, 1951.

4. Section 374.51 *Supplement 1: List of restricted commodities,* is amended by adding thereto the following commodities:

All commodities with the processing code RUBR.

DDT (dichlorodiphenyl trichloroethane), including preparations thereof containing 25 percent or more DDT 100 percent basis: Schedule B No. 820580.

This part of the amendment shall become effective as of October 15, 1951.

5. Section 398.3 *DO–MRO priority ratings for maintenance, repair, and operating supplies for export,* is amended by adding at the end thereof the following interpretative note:

QUESTIONS AND ANSWERS ON MRO UNDER ORDER M–79

1. How do manufacturers proceed to handle their foreign orders when their aggregate export sales for 1950 were $10,000 or less?

A manufacturer whose exports of products of his own manufacture in 1950 amounted to $10,000 or less may ship freely—subject only to OIT's export licensing restrictions—without using a rating and without establishing a quota; or, if he desires to establish a quota under M–79 (presumably in order to qualify for a DO–MRO rating), he may file IT–833 with the Office of International Trade, accompanied by a letter in triplicate giving full explanation and justification for his request.

2. May a non-manufacturing exporter establish a quarterly quota with OIT in order to avoid repeated filings of IT–834 to cover many different orders?

No. It should be noted that the entire approach of M–79 is quite different from the Direction 2 formerly in effect. It contemplates that manufacturers, being obliged under the order to "make available" for export 120 percent of their 1950 shipments, will accept orders filed by non-manufacturing exporters; and under Sec. 9 of the order, the manufacturer may apply the DO–MRO rating to such orders, himself, and must charge them to his quota. Only on rare occasions need an IT–834 be filed by a non-manufacturing exporter because he could not locate a supplier who had not yet filled his current M–79 quota; or because, perhaps, he needed material of particular specification made only by one manufacturer, who did not have a quota under M–79, and who had so many domestically-rated orders that he could not accept the export order proffered without a rating.

As the quarterly quotas of manufacturers will be on file with OIT after October 1, OIT may be of assistance to a non-manufacturing exporter in locating suppliers who may not have their current quotas filled.

3. Are replacement parts delivered with new equipment counted by the manufacturer as part of his base period shipments and also chargeable to his current quotas?

No.

4. Do the excluded items (list A of M–43, parts for construction machinery) include multiple-use items such as rubber belting and hose?

No. The order excludes under section 3 (f) only specially-fabricated parts for the particular types of construction machinery listed; however, it does not exclude such general use items as rubber belting.

5. Are manufacturers of automotive parts included under Order M–79?

Yes, with respect to automotive parts used for commercial purposes.

6. May a manufacturer ship additional MRO supplies above and beyond his M–79 quota in the event his production is not fully taken up by rated orders?

No; the quota established by section 4 and as specifically explained in section 8 (fourth sentence) is both a minimum and a maximum. A manufacturer falling under the jurisdiction of the order may not accept export orders in excess of his quota.

7. How may a manufacturer who finds his quota as established by M–79 to be inadequate to take care of his current MRO orders file a request for increase?

He may file his IT–833 with OIT, accompanied by letter in triplicate, as specified in section 15, giving full explanation of why the increase is needed. It may be helpful if he will state how much of his export business is rated, describe the nature of his export business, the end-use of his product, principal markets by country, and also, he may wish to state his total annual MRO export shipments (as defined by M–79) for each of the years 1946–49. A five year base period may be more representative in his case than the calendar year 1950.

NPA is consulted on these requests for increases, and action taken as expeditiously as possible.

8. May a manufacturer apply the DO–MRO rating, within his quarterly quota, to items not included in the Positive List?

Yes—The question whether or not a product is on the Positive List is irrelevant, under M–79.

9. How does a manufacturer compute his quota under section 4 if he himself makes some of the MRO items which he exports, but he also purchases some of his MRO exports from outside manufacturers?

In figuring his M–79 quota, he includes only the items which he himself manufactures. However, if he purchases on the outside MRO items (as defined in M–79) or any other components but incorporates them (in his plant) into a fabricated MRO item (as defined in M–79), then the manufacturer does include the assembled MRO product in calculating his M–79 quota.

For example, hand pump replacement parts for a hand pump which a manufacturer purchases on the outside are not counted, to the extent that he merely purchases them and ships them as parts for the pumps. (In this case the "outside" parts manufacturer includes this indirect export sale in figuring his quota.)

But if the manufacturer assembles the hand pump himself, he does include all exports of the pumps in arriving at his quota; the outside parts manufacturer should figure his deliveries of the parts as a domestic sale, in this case.

10. If a manufacturer does not receive sufficient rated orders to fill his quota during a particular quarter, must he add the unfilled amount to his quota for the subsequent quarter and thus fill a larger export quota during the second quarter?

No, he need not "carry over" the unfilled portion; and in fact may not do so.

11. Can a manufacturer charge to his quota rated export orders which he receives which have been rated under NPA Orders M-46A and M-78?

To the extent those items fall under his M-79 quota, he must charge such deliveries to his quota. However, if a manufacturer receives orders rated under M-78 and M-46A after his quota is exhausted and for items chargeable to his M-79 quota, he must accept those rated orders in accordance with the rules applicable generally to rated orders.

12. Are pipe fittings included under M-79?

Yes, to the extent used for commercial maintenance and repair purposes. (Items are never MRO when used as production material, as a component in manufacturing a product.)

13. Should an exporter file an IT-834 to secure a DO-MRO rating when his supplier states he cannot fill the exporter's order unless it is a DO-MRO rated order to enable him to secure additional amounts of steel?

No. If the manufacturer makes B products, he secures all his controlled material for both domestic and export orders via his quarterly filing with NPA of his CMP Form 4-B. He should include on his 4-B his materials requirements for both export and domestic orders. The production schedule approved by NPA for him is his total authorized production schedule, and there is no provision for him to secure additional controlled material in any other way. He may, however, self rate his export orders whether they come from abroad or from an exporter in this country, and may show this as rated business on his CMP 4-B forms.

14. May the DO-MRO ratings assigned under M-79 be extended by the manufacturer to secure component materials other than controlled materials to be incorporated into his MRO product?

Yes; except that they may not be extended to secure an A or B product for incorporation into the MRO item. They may be extended to secure materials and items not containing steel, copper, or aluminum.

15. Are export orders placed by operators of non-serialized mines (not covered by M-78) chargeable to a manufacturer's M-79 quota?

Yes, to the extent provided by the order.

16. How many IT-834's have been approved to date?

None. Under the basic concept of the order it is anticipated that, with self-rating of export orders by a manufacturer within his quota, non-manufacturing exporters should in most cases be able to place their MRO orders without difficulty.

17. If a non-manufacturing exporter must place his order with a particular manufacturer (say, for a specially-made part available from only one firm) and that manufacturer has no M-79 quota, should the exporter file an IT-834?

Yes; unless the manufacturer intends to request establishment of a quota under M-79 in a manner similar to that described in the answer to question 1.

18. May a company file two separate IT-833s if it has two different departments which operate more or less independently?

Yes. OIT would for certain cases agree to separate submissions although it would point out that a single submission would allow much greater flexibility and "freedom of movement" to the company.

19. Might a manufacturer with a quota established under M-79 ever file an IT-834 to secure a rating on MRO supplies which it purchases on the outside?

Yes, if the MRO supplies are shipped as such, and under the exceptional conditions alluded to under (11) and (15) above.

20. May a manufacturer change shipments of "minor capital equipment" of value up to $750 to his quota and may he include such shipments in calculating his quota?

Section 2 states what the order covers. These items are included regardless of whether they are carried as MRO or as a capital item for accounting purposes.

21. Are repair parts for ships included under M-79?

Where the MRO supplies as defined in M-79 are exported as such for foreign-flag or U. S. vessels for installation abroad, yes. Ratings to secure MRO items for foreign-flag or U. S. vessels to be repaired in a U. S. port are not covered by M-79 but by M-70.

22. Are Class B products which are defined as MRO under M-79 excluded from the order (see section 9)?

Section 10 does not make the DO-MRO inapplicable to export orders for Class B products, but merely prevents the manufacturer from extending a rating to obtain Class A or Class B products or steel, copper and aluminum to be incorporated therein.

23. Must a manufacturer wait until receiving an approved IT-833 from OIT before he may use the DO-MRO rating under his M-79 quota?

No. Immediately upon filing the IT-833 with OIT, the manufacturer may apply the DO-MRO rating to export orders within his quota. OIT will not return or take any action on the IT-833 unless it is found necessary to revise the quota reported therein, in which case OIT will notify the manufacturer.

24. If a manufacturer does not require a rating on his export orders, is he bound to adhere to the M-79 quota?

Yes. Regardless of whether the manufacturer qualifying under section 4 needs or applies a DO-MRO rating as permitted by the order, he is required to establish his quota, file IT-833 with OIT and make the required quantities available to fill export orders each quarter. The quota also is binding upon him as a ceiling on his exports of the items covered by the order.

This part of the amendment shall become effective as of September 27, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-12055; Filed, Oct. 4, 1951; 8:52 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 60 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.3 *Appendix C—Commodity Processing Codes,* is amended in the following particulars:

The processing codes for certain commodities are amended to read as set forth below:

Dept. of Commerce Schedule B No.	Commodity	Processing code
621303-622098	Ferroalloys	MINL
663600-663800	Molybdenum ore and concentrates; vanadium ore and concentrates; and magnesium metal in primary form.[4]	MINL
663900	Tungsten carbide (except tool blanks, tips and inserts), and other tungsten metal stellite, wire, shapes, and alloys.[2]	MINL
664501	Antimony [3]	MINL
664510	Bismuth matte, slimes, residues, and base bullion [3]	MINL
664520-664901	Chromium or chromite, cobalt, columbium or niobium, manganese, tantalum, titanium, ilmenite, rutile, tungsten, zirconium, and other ores and concentrates, n. e. s., and antimony in primary forms.[3]	MINL
664910	Bismuth metals and alloys [3]	MINL
664918-664995	Cerium metals and alloys; chromium, metal alloys; cobalt alloys and cobalt-bearing scrap metal; columbium metal and alloys; manganese metal and alloys; molybdenum metal, alloys, and scrap; radium metal; tantalum metal and alloys; vanadium metal, alloys, and scrap; and zirconium metals and alloys.[3]	MINL
664998	Metals and alloys in primary forms, n. e. s., except Babbitt metal dross and scrap, and copper alloys other than brass, bronze, nickel, or gold.[3]	MINL
669103-669120	Magnesium powder, ribbons, and metal in other forms; molybdenum wire; and lighter flints.[4]	MINL
669198	Flue dust, vanadium; tantalum rings and wire; other metal and metal composition manufactures, n. e. s.[5]	MINL
692000-692998	Platinum and allied metals	MINL
706590	Molybdenum filaments [6]	MINL
706590	Tungsten contacts and filaments [6]	MINL
707550	Tungsten X-ray targets [7]	MINL
830980	Molybdenum oxide; molybdenum oxide briquettes, molybdenum trioxide; molybdenum trioxide briquettes and molybdic acid.[8]	MINL

[1] Nickel silver, Babbitt metal, nickel-chrome electric resistance wire, and quick-silver or mercury, Schedule B Nos. 661000-663500, retain the processing code NONF.

[2] Tungsten carbide tool blanks, tips, and inserts, Schedule B No. 663900, retain the processing code TOOL.

[3] Beryllium ore, metals, alloys, and scrap, Schedule B Nos. 664505 and 664905, cadmium metals and alloys, Schedule B Nos. 664915-664917, Babbitt metal dross and scrap and copper alloys, Schedule B No. 664998, retain the processing code NONF.

[4] Metal type, Schedule B No. 667000, retains the processing code NONF.

[5] The processing codes for all other entries presently on the Positive List under Schedule B No. 669198 remain unchanged.

[6] Other commodities classified under Schedule B No. 706590 retain the processing code CDGS.

[7] Other commodities classified under Schedule B No. 707500 retain the processing code SATE.

[8] Other inorganic acids and anhydrides, n. e. s., retain the processing code ACID.

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[1] This amendment was published in Current Export Bulletin No. 641, dated September 27, 1951.

This amendment shall become effective as of September 27, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-12056; Filed, Oct. 4, 1951; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq. and 1950 Supp.) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1950 Supp.; 16 F. R. 714, 2471, 5395, 7004), are amended as indicated below:

1. In § 141.3 *Sodium penicillin * * * pyrogens*, paragraph (b) *Conduct of test* is amended by changing the fourth sentence therein to read: "On the day of the test do not feed the animals used, until after completion of the test." and by changing the first clause of the eleventh sentence to read: "If one or more of the animals shows such a rise in temperature,".

2a. In § 146.47 *Procaine penicillin for aqueous injection*, paragraph (a) *Standards of identity etc.* is amended by inserting the following new sentence between the first and second sentences: "If it is an aqueous suspension of the drug it may contain procaine hydrochloride in a concentration not exceeding 2 percent and one or more suitable and harmless stabilizing agents."

b. Section 146.47 (c) (1) (v) and (2) are amended to read:

(c) *Labeling.* * * *
(1) * * *

(v) If the drug contains preservatives or added procaine hydrochloride, the name and quantity of each such added ingredient.

(2) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

3. Section 146.66 *l-Ephenamine penicillin G * * ** is amended as follows:

a. Paragraph (a) (1) is amended by changing the semicolon at the end thereof to a comma and adding the following clause: ", unless it is packaged and labeled solely for veterinary use;".

b. In paragraph (b) the third and fourth sentences are changed by inserting the parenthetical statement "(unless it is packaged and labeled solely for veterinary use)," immediately after the figures "3,000,000 units" and "10 milliliters", respectively.

4a. In § 146.67 *Procaine penicillin in streptomycin sulfate solution * * **, the third sentence of paragraph (a) *Standards of identity etc.* is amended by deleting the period at the end thereof and by adding the words "and procaine hydrochloride in a concentration not exceeding 2 percent."

b. Section 146.67 (a) (1) is amended to read:

(1) Each milliliter shall contain not less than 100,000 units of procaine penicillin and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate, but each immediate container shall contain not less than 300,000 units of procaine penicillin and not less than 0.25 gram of streptomycin sulfate or dihydrostreptomycin sulfate;

c. In § 146.67, the third sentence of paragraph (b) *Packaging* is amended by changing the figure "10" to "30".

d. Section 146.67 (c) (1) (iii) is amended to read:

(c) *Labeling.* * * *
(1) * * *

(iii) The name and quantity of each preservative used, and if it contains added procaine hydrochloride, the quantity of such added ingredient.

5a. In § 146.204 *Aureomycin capsules * * **, the first sentence of paragraph (a) *Standards of identity, etc.* is amended by deleting the word "hard" which immediately precedes the words "gelatin capsule".

b. Section 146.204 (c) (1) (iii) is amended to read:

(c) *Labeling.* * * *
(1) * * *

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months, if it is a soft gelatin capsule, or 36 months, if it is a hard gelatin capsule, after the month during which the batch was certified.

This order, which provides for the optional addition of procaine hydrochloride U. S. P., in a concentration not exceeding 2 percent, and suitable and harmless stabilizing agents to aqueous suspensions of procaine penicillin; for the deletion of the refrigeration requirement for aqueous suspensions of procaine penicillin for those persons who have proved that such drug as manufactured by them is stable at room temperature; for the optional addition of procaine hydrochloride U. S. P., in a concentration not exceeding 2 percent, to procaine penicillin in streptomycin sulfate solution and to procaine penicillin in dihydrostreptomycin sulfate solution; for a change in the minimum content of procaine penicillin per milliliter of procaine penicillin in streptomycin sulfate solution and procaine penicillin in dihydrostreptomycin sulfate solution from 300,000 units per milliliter to 100,000 units per milliliter; for a change in the number of milliliters of these drugs that each immediate container may contain from a current maximum of 10 milliliters to 30 milliliters; for the use of soft gelatin capsules for aureomycin capsules; for a change in the packaging requirements of *l*-ephenamine penicillin for aqueous injection intended solely for veterinary use; and for minor changes in conducting pyrogen tests for antibiotic drugs, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: September 28, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-11985; Filed, Oct. 4, 1951; 8:45 a. m.]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (55 Stat. 851; 21 U. S. C. 356), the regulations for the certification of batches of drugs composed wholly or partly of insulin (21 CFR, 1950 Supp., 144) are amended as set forth below:

1. Section 144.2 (d) (8) is amended to read as follows:

§ 144.2 *Requests for certification; samples; storage; approvals preliminary to certification.* * * *
(d) * * *

(8) The finished batch; in a quantity not less than five packages; except that if the batch is insulin U. S. P. of 500-unit strength, in a quantity of one package.

2. Section 144.4 (b) is amended to read as follows:

§ 144.4 *Conditions on the effectiveness of certificates.* * * *

(b) A certificate shall cease to be effective:

(1) With respect to any package of insulin U. S. P., protamine zinc insulin, or globin zinc insulin, on the expiration date specified in the official United States Pharmacopeia, including supplements thereto;

(2) With respect to any package of NPH insulin, 18 months after the immediate container therein was filled;

(3) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 144.6 or § 144.7; or

(4) With respect to any package, when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

Effective date. This order shall become effective on October 1, 1951.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since one amendment will provide relief of the affected industry from the requirement of submitting a sample of insulin U. S. P. of 500-unit strength in an excessive quantity and the other makes no changes in present requirements but is promulgated at this time to avoid further specific amendments to these regulations should the expiration dates of insulin-containing drugs described in the United States Pharmacopeia be changed.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 506, 55 Stat. 851; 21 U. S. C. 356)

Dated: October 1, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-11986; Filed, Oct. 4, 1951; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.138]

PART 45—VISAS: DOCUMENTATION OF ALIENS UNDER THE DISPLACED PERSONS ACT OF 1948, AS AMENDED

MISCELLANEOUS AMENDMENTS

SEPTEMBER 26, 1951.

The following amendments to Part 45, Chapter I, Title 22, Code of Federal Regulations, are hereby prescribed:

1. Paragraph (m) of § 45.1 *Definitions*, is amended to read as follows:

(m) "Firmly settled", "firmly settled or resettled", or "firmly settled or firmly resettled" as used in sections 2 (c) (1), 3 (b) (3), 3 (b) (4), and 3 (c) (4), of the Displaced Persons Act are considered to be synonymous and shall have the meaning ascribed thereto in the Commission's regulation 8 CFR 702.5: *Provided*, That a former member of the Polish Army as defined in section 3 (b) (3) of the Displaced Persons Act and as classified in § 45.2 (d) (2) who has not applied for British naturalization shall not be considered firmly settled or resettled if such member registered for an immigration visa with a United States consular officer in Great Britain prior to June 16, 1950: *And provided further*, That a Greek refugee as defined in section 3 (b) (4) of the Displaced Persons Act and as classified in § 45.2 (d) (3) shall be considered firmly resettled if, prior to January 1, 1950, such refugee had adequate housing and suitable employment in Greece, or if, prior to January 1, 1950, such refugee (1) voluntarily emigrated to a country outside of Greece for the purpose of establishing permanent residence therein, or (2) was lawfully admitted into some other country for permanent residence.

2. Subparagraph (3) of paragraph (b) *Eligible displaced orphans*, § 45.2 *Classes of applicants under the Displaced Persons Act*, is amended to read as follows:

(3) Not more than 5,000 special nonquota immigration visas within the total numerical limitations provided in section 3 (a) of the Displaced Persons Act shall be issued until July 1, 1952, to eligible displaced orphans entitled to classification under subparagraphs (1) and (2) of this paragraph.

3. Subdivision (iv), subparagraph (1) *Section 2 (f) orphans*, paragraph (c) *Other orphans and adopted children*, § 45.2 *Classes of applicants under the Displaced Persons Act*, is amended to read as follows:

(iv) Have assurances of proper care submitted to the Commission in their behalf for admission to the United States for permanent residence with a father or mother by adoption, or with a near relative, or with a citizen of the United States, or with an alien admitted to the United States for permanent residence, or who are seeking to enter the United States to come to a public or private agency approved by the Commission. Not more than 5,000 special nonquota immigration visas, in addition to the total numerical limitations provided in section 3 (a) of the Displaced Persons Act, shall be issued until July 1, 1952, to persons entitled to classification under this subparagraph.

4. Paragraph (a) *Visa fees*, § 45.6 *Exemptions*, is amended to read as follows:

(a) *Visa fees.* No fee shall be charged for an immigration visa, or application therefor, issued to an eligible displaced person, an eligible displaced orphan, a section 2 (f) orphan, a person of German ethnic origin, or a section 12 (c) adopted child. In all other cases of applicants under the Displaced Persons Act, the issuance of an immigration visa shall be subject to payment of the prescribed fee of $1 for the application and $9 for the visa.

5. Subparagraph (2) *Section 2 (f) orphans*, paragraph (j) *Assurances: section 2 orphans*, § 45.7 *Assurances under section 3 (b) and 3 (c) of the Displaced Persons Act*, is amended to read as follows:

(2) *Section 2 (f) orphans.* The procedure prescribed in subparagraph (1) of this paragraph shall be applicable in the case of an orphan defined in section 2 (f) of the Displaced Persons Act except that the assurance required thereunder may be given either by a citizen of the United States or by an alien admitted to the United States for permanent residence: *Provided*, That no immigration visa shall be issued to such orphan subsequent to June 30, 1952.

6. Section 45.9 *Disqualification to receive visas*, is amended by the addition of the following paragraph at the end thereof:

(h) No immigration visa shall be issued to an applicant classifiable as an eligible displaced person unless the Commission initiated the selection or processing of such person on or before July 31, 1951. The case of an applicant under section 2 (d) of the Displaced Persons Act shall, for the purposes of this paragraph, be deemed to have been initiated on or before July 31, 1951, if, on or before such date, application for a visa is made to a United States consular officer by or on behalf of such applicant.

7. Paragraph (b) of § 45.10 *Numerical limitations on visas*, is amended to read as follows:

(b) Within the 341,000 immigration visas authorized by section 3 (a) of the Displaced Persons Act and referred to in paragraph (a) (1) of this section, numerical limitations on the issuance of visas to designated classes shall apply as follows:

(1) Eligible displaced orphans	5,000
(2) China refugees and their spouses and children	4,000
(3) Polish veterans and their spouses and children	18,000
(4) Greek refugees and their spouses and children	7,500
(5) Greek preferentials	2,500
(6) Venezia Giulian refugees and their spouses and children	2,000
(7) Persecutees under section 2 (d) and their spouses and children	500

8. Paragraph (c) of § 45.10 *Numerical limitations on visas*, is amended to read as follows:

(c) In the event that all of the special classes of persons enumerated in paragraph (b) of this section do not receive the total of 39,500 visas authorized for such classes ,the unused portion shall be made available to qualified applicants classifiable as eligible displaced persons under the provisions of section 2 (c) of the Displaced Persons Act, subject to the total numerical limitation on the issuance of visas provided in section 3 (a) of the said act.

This order shall become effective upon the date of its publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign-affairs functions of the United States.

(Sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458. Interpret or apply 62 Stat. 1009–1014, as amended, Pub. Law 60, 82d Cong.; 50 U. S. C. App. Sup. 1951–1963)

DEAN ACHESON,
Secretary of State.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned:

J. HOWARD MCGRATH,
Attorney General.

Dated: September 7, 1951.

[F. R. Doc. 51–12010; Filed, Oct. 4, 1951; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 706—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup. 1001) notice was published in the FEDERAL REGISTER on September 6, 1951 (16 F. R. 9050) of the Acting Administrator's decision to approve the recommendations of Special Industry Committee No. 9 for Puerto Rico for the general division of the alcoholic beverage and industrial alcohol industry in Puerto Rico, and the wage order which was proposed to be issued to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to file exceptions within 15 days from the date of publication of the notice.

No exceptions were received within the 15-day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued to become effective November 5, 1951.

Sec.
706.1 Wage rate.
706.2 Notices of order.
706.3 Definitions of the alcoholic beverage and industrial alcohol industry in Puerto Rico and its divisions.

AUTHORITY: §§ 706.1 to 706.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. and Sup. 208. Interprets or applies sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. and Sup. 205.

§ 706.1 *Wage rate.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the alcoholic beverage and industrial alcohol industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

NOTE: Activities included within the beer division as defined in § 706.3 (b) (2), are and will, until further order of the Administrator, continue to remain subject to the minimum wage rates provided in the wage order for the malt beverage, water, and soft drinks division of the foods, beverages, and related products industry in Puerto Rico (Part 673 of this chapter).

§ 706.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the alcoholic beverage and industrial alcohol industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the division may prescribe.

§ 706.3 *Definitions of the alcoholic beverage and industrial alcohol industry in Puerto Rico and its divisions.* (a) (1) The alcoholic beverage and industrial alcohol industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The manufacture, including, but not by way of limitation, the distilling, rectifying, blending or bottling, of rum, gin, whiskey, brandy, cordials, liqueurs, wines, ale, beer, and other alcoholic beverages, and industrial alcohol, such as ethyl alcohol, butyl alcohol, and acetone, antifreeze, and any related by-product resulting from the manufacture of any of the foregoing products.

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry. (See Note under § 706.1 (a).

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *General division.* The division consists of all products and activities included in the alcoholic beverage and industrial alcohol industry in Puerto Rico, as defined in Administrative Order No. 403 (paragraph (a) (1) of this section), except those included in the beer division, as hereinafter defined.

(2) *Beer division.* This division consists of the manufacture of beer, ale, and similar malt beverages containing alcohol.

Signed at Washington, D. C., this 1st day of October 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51–11984; Filed, Oct. 4, 1951; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

ENLISTMENT OF WOMEN IN ARMY AND AIR FORCE

Section 580.18, pertaining to Enlistment of Women in Army and Air Force, is rescinded. This material is now covered by §§ 571.1 to 571.5 of this chapter.

[SR 615–105–1] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–12011; Filed, Oct. 4, 1951; 8:49 a. m.]

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

SEAL

The rules of practice and procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 128), and appearing at 16 F. R. 7279, are amended by adding the following section:

§ 1800.2 *Seal.* The seal of the Court is of the following description:

In front of a silver sword, point up, a gold and silver balance supporting a pair of silver scales, encircled by an open wreath of oak leaves, green with gold acorns; all on a grey blue background and within a dark blue band edged in gold and inscribed "UNITED STATES COURT OF MILITARY APPEALS" in gold letters. (E. O. 10295, September 28, 1951, 16 F. R. 10011)

(Art. 67, Pub. Law 506, 81st Cong.)

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 51–12086; Filed, Oct. 3, 1951; 1:53 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 72]

GCPR, SR 72—SUSPENSIONS FOR SALES OF CERTAIN UNITED STATES GOVERNMENT PROPERTY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 72 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Pending the development of a more permanent program, and until December 31, 1951, this Supplementary Regulation 72 to the General Ceiling Price Regulation temporarily suspends certain sales of United States Government property from the provisions of the General Ceiling Price Regulation.

It is issued in order to meet special problems surrounding the sale of certain

Government property under the General Ceiling Price Regulation.

This Supplementary Regulation does not suspend the resale by any person of Government property sold by the Government pursuant to this regulation. Such resales remain subject to all applicable regulations, including the General Ceiling Price Regulation.

Since the General Ceiling Price Regulation was issued, price ceilings have been applicable to sales by Government agencies as well as by private persons. However, in order to prevent any immediate adverse effect of the freeze upon the defense program and until tailored regulations could be issued, Supplementary Regulation 1 to the GCPR, issued February 1, 1951, suspended from the GCPR sales by the Atomic Energy Commission, and sales of scrap, waste, damaged and used materials and commodities by Defense Agencies. As a result, the great bulk of surplus personal property presently being sold by the Government is not now subject to the provisions of GCPR.

But in those exceptional cases where commodities or transactions have been exempted from all price control, the grounds for such exemption have generally related to the lack of need for control in the particular commodity markets rather than to the status of the seller. The reason for this general policy is clear. The primary responsibility of the Office of Price Stabilization is the prevention of price inflation. When market conditions are such that supplies are not available in sufficient quantity to meet fully the existing demand for them, a tendency exists for prices to rise to a greater extent than is justified by underlying cost factors. Moreover, experience has demonstrated that it is impracticable as well as unfair to establish price ceilings only on the sale to the ultimate consumer. Effective control of prices generally requires the establishment of ceiling prices at earlier levels of production and distribution. Otherwise, margins are subject to excessive pressure as costs rise. The fact that sales are made by Government agencies as well as by private parties does not alter these essential propositions.

The Government has traditionally sold commodities which have been acquired in excess of realized Government need or which have become obsolete, used, or scrap. Since Korea, the magnitude of this surplus has increased, and ultimately, unless the present course of world affairs changes substantially, Government agencies will have available for sale surplus stocks of thousands of commodities. Already, in some instances, these stocks have become so large as to constitute a significant source of supply. Ceiling prices therefore must be applicable to such sales by Government agencies except where specific exemptions are made by the Office of Price Stabilization in recognition of the absence of possible inflationary consequences from such sales.

It has already been stated that sales by the United States Government are subject to the General Ceiling Price Regulation. Under this regulation, which was issued January 26, 1951, the ceiling price which the Government is permitted to charge for any commodity covered by that regulation is the highest price at which the particular selling activity of the Government sold, or if there were no sales, offered to sell, the commodity during the base period December 19, 1950 to January 25, 1951. Comparatively few of the commodities which are now available for sale were sold or offered for sale during the base period.

The General Ceiling Price Regulation also provides that if there were no sales or offers made during the base period, a wholesaler or retailer may take the net invoice cost of the commodity being priced and apply to it the percentage markup of a "comparison commodity". However, it is obviously impracticable for Government agencies and instrumentalities to use a method which was primarily intended to apply to sellers who are in the business of selling commodities in the same form as received by them.

The General Ceiling Price Regulation also provides a method for pricing a commodity which is in a different category from any dealt in by the seller during the base period by permitting him to take as his ceiling price, the ceiling price of his most closely competitive seller of the same class selling the same commodity or service to the same class of purchaser. It is doubtful whether sales by a Government agency can be priced under this section since it is not apt to have a closely competitive seller. Thus, unless the particular selling activity of the Government sold or offered to sell the same commodity during the base period, an application must be filed with the Office of Price Stabilization, asking it to establish a ceiling price.

There are hundred of authorized selling activities of the Government scattered all over the United States and its territories and possessions, all of which were engaged in disposing of Government surplus property as rapidly as possible, until the issuance of the General Ceiling Price Regulation. The major portion of this property has been used, and may be in good, fair, or poor condition. Most of the small proportion of new items are obsolete or non-standard. These commodities are so different and involve such a wide range of items that it is estimated that more than 1,500 applications per day would be required in order to permit all of the selling activities to continue their normal operations. Many of these items would have to be inspected by technically qualified personnel before a ceiling price could be established.

For these reasons the Office of Price Stabilization is presently developing its program for sales of Government owned property. Until such time as a more practicable method of establishing ceiling prices for sales now covered by the General Ceiling Price Regulation is provided, it is deemed necessary to suspend temporarily the provisions of the General Ceiling Price Regulation with respect to certain sales of Government property which was originally purchased for Government use and not for resale or stockpiling. However, inasmuch as various supplementary regulations to the General Ceiling Price Regulation and numbered ceiling price regulations have been and will be issued which remedy some of the defects of the General Ceiling Price Regulation, insofar as affording a practicable method of establishing ceiling prices for sales by Government agencies is concerned, this Supplementary Regulation does not suspend any sales covered by one of those regulations.

For similar reasons this Supplementary Regulation does not suspend the sale by a selling activity of a Government agency or instrumentality of a particular commodity which was sold or offered for sale by the same selling activity during the base period, and for which the selling activity has a ceiling price under section 3 of the General Ceiling Price Regulation; neither does this Supplementary Regulation suspend the sale of any commodity by a selling activity which has applied for and received a ceiling price under section 7 of the General Ceiling Price Regulation. And finally, this Supplementary Regulation does not suspend the sale of any commodity produced or manufactured by the Government or by any person for the account of the Government. Scrap, waste, or salvage is not considered a commodity produced or manufactured by the Government or by any person for the account of the Government.

The Director of Price Stabilization has discussed this regulation with representatives of other Government agencies and has taken their recommendation into consideration.

REGULATORY PROVISIONS

Sec.
1. Sales of certain United States Government property.
2. Definitions.

AUTHORITY: Sections 1 and 2 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C., App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Sales of certain United States Government property.* (a) Until December 31, 1951, the provisions of the General Ceiling Price Regulation shall not apply to the sale of certain Government property (as defined in section 2 (b) of this supplementary regulation) by any agency or instrumentality of the United States or by any of its contractors or subcontractors on behalf of and for the account of such agency or instrumentality, except that this suspension shall not apply to any sale of Government property unless the Government agency or instrumentality notifies the purchaser in writing in advance of sale that the resale of such property is subject to any applicable ceiling price regulation.

(b) With respect to any sale covered by this supplementary regulation, the Government agency or instrumentality shall not be required to comply with the record keeping provisions of the General Ceiling Price Regulation but must preserve and keep available for inspection by the Office of Price Stabilization one copy of the invoice or other document of sale and shall make such reports to the

Office of Price Stabilization, as the Director of Price Stabilization shall deem necessary.

SEC. 2. *Definitions.* (a) Terms used in this supplementary regulation, unless defined herein, or unless the context requires a different meaning, shall have the same meaning as when used in the General Ceiling Price Regulation.

(b) "Certain Government property" means any new, used, waste, salvage or scrap commodity, material, article, product, process, or other item of personal property, which was originally purchased for use by, and is at the time of sale owned by, any agency or instrumentality of the United States. The term, however, does not include any commodity, material, article, product, process, or other item of personal property (1) which was originally purchased by the United States for the purpose of resale or stockpiling or (2) the sale of which by the United States is now or hereafter covered by any other supplementary regulation to the General Ceiling Price Regulation or (3) the sale of which by the United States is now or hereafter covered by any numbered price regulation or (4) for which a ceiling price has been established for the particular selling activity of such agency or instrumentality under section 3 or section 7 of the General Ceiling Price Regulation.

(c) "Sale" means sale, supply, disposal, barter, exchange, lease, transfer, delivery, and contracts and offers to do any of the foregoing. The term "purchased" shall be construed accordingly.

(d) "Selling activity" means the regional, district, or other geographical division, of any agency or instrumentality of the United States making the sale.

Effective date. This Supplementary Regulation 72 to the General Ceiling Price Regulation shall become effective October 4, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

OCTOBER 4, 1951.

[F. R. Doc. 51-12112; Filed, Oct. 4, 1951; 12:13 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR3, Appendix 1]

CR3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, issued at 16 F. R. 7611 (August 3, 1951) and amended at 16 F. R. 7937 (August 11, 1951) is hereby amended to read as follows:

APPENDIX 1 TO CR 3 CRITICAL DEFENSE HOUSING AREAS [1]

Critical Defense Housing Area, State, and Date Designated

1. San Diego, Calif., May 2, 1951.
2. Corona, Calif., May 8, 1951.
3. Colorado Springs, Colo., May 8, 1951.
4. Star Lake, N. Y., May 23, 1951.
5. Fort Leonard Wood Area, Mo., May 23, 1951.
6. Camp Cooke Area, Calif., June 8, 1951.
7. Bremerton, Wash., June 8, 1951.
8. San Marcos, Tex., June 8, 1951.
9. Valdosta, Ga., June 20, 1951.
10. Tullahoma, Tenn., June 20, 1951.
11. Camp Pendleton Area, Calif., June 20, 1951.
12. Solano County, Calif., June 29, 1951.
13. Quad Cities Area,[2] Iowa-Ill., June 29, 1951.
14. Hanford AEC Operations Area, Wash., July 3, 1951.
15. Barstow, Calif., July 3, 1951.
16. Camp Roberts Area, Calif., July 3, 1951.
17. Brazoria County, Tex., July 3, 1951.
18. Tooele, Utah, July 3, 1951.
19. Dana, Ind., July 13, 1951.
20. El Centro-Imperial Area, Calif., July 13, 1951.
21. Borger, Tex., July 13, 1951.
22. Huntsville, Ala., July 13, 1951.
23. Mineral Wells, Tex., July 17, 1951.
24. Las Cruces, N. Mex., July 17, 1951.
25. Alamagordo, N. Mex., July 17, 1951.
26. Wichita, Kans., July 25, 1951.
27. Columbus, Ind., July 25, 1951.
28. Lone Star, Tex., August 3, 1951.
29. Camp Lejeune-Jacksonville Area, N. C., August 3, 1951.
30. Killean-Fort Hood Area, Tex., August 3, 1951.
31. Dover, Del., August 3, 1951.
32. Patuxent, Md., August 3, 1951.
33. Othello, Wash., August 11, 1951.
34. Sampson Air Force Base Area, N. Y., August 11, 1951.
35. Norfolk-Portsmouth Area, Va., August 11, 1951.
36. Wright-Patterson Air Force Base Area, Ohio, August 11, 1951.
37. Lancaster-Palmdale-Mojave Area, Calif., August 11, 1951.
38. Bucks County, Pa., October 3, 1951.
39. Indianapolis, Ind., October 3, 1951.
40. Sanford, Fla., October 3, 1951.
41. Sidney, Nebr., October 3, 1951.
42. Kingsville, Tex., October 3, 1951.
43. Wichita Falls, Tex., October 3, 1951.
44. Presque Isle-Limestone, Maine, October 3, 1951.
45. Newport News, Va., October 3, 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-12107; Filed, Oct. 4, 1951; 11:38 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Part 92]

[CGFR 51-46]

ANCHORAGE AND NAVIGATION REGULATIONS, ST. MARYS RIVER, MICHIGAN

PUBLIC HEARING ON PROPOSED CHANGES

1. The regulations in 33 CFR Part 92 contain the requirements governing the movements and anchorage of vessels and rafts in the St. Marys River from Point Iroquois on Lake Superior to Point Detour on Lake Huron. For the protection of the navigable channel it was necessary to adopt a special regulation designated as 33 CFR 92.14a, establishing a speed limit between Little Rapid Cut Lighted Buoy No. 87 and Six-Mile Point Range Rear Light until the St. Marys River is closed to navigation for 1951.

2. The Commander of the 9th Coast Guard District will hold a public hearing on November 15, 1951, commencing at 9:30 a. m. in Room 1712, Keith Building, 1621 Euclid Ave., Cleveland 15, Ohio, to consider proposed changes in regulations regarding anchorage and navigation on the St. Marys River, Michigan, and for the purpose of receiving comments and suggestions relating thereto for submission to the Merchant Marine Council at Coast Guard Headquarters. It is proposed to revise the regulations in 33 CFR Part 92, regarding anchorage and navigation on the St. Marys River, to correct omissions, identify correctly certain buoys and landmarks, and to establish speed and passing rules suitable for present day operations.

3. The proposed regulations, together with the statutory authority, are set forth below. Copies of the proposed regulations are being mailed to persons and organizations who have expressed an active interest in the subjects under discussion. Copies of the proposed regulations may be obtained from the Commander, 9th Coast Guard District, Keith Building, 1621 Euclid Ave., Cleveland 15, Ohio, or from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available.

4. Comments on the proposed regulations are invited. All persons desiring to comment shall submit comments in writing in duplicate on or before November 14, 1951, and shall include data and views as to why the regulations should not be promulgated, or, if changes are desired therein, the suggested rewording with reasons therefor in order to insure thorough consideration of comments and to facilitate checking and recording. It is essential that each comment regarding a proposed regulation shall be submitted

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

on the blank forms provided, or if additional forms are needed the style and arrangement shall be the same as shown on the form. It is necessary that each suggested rewording of a proposed section of a regulation be submitted on a separate sheet showing the specific item number, section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. Comments, data, and views may also be presented orally or in writing at the public hearing in the same manner as for submission of written comments.

5. The proposed revisions and amendments to the regulations will be considered in the order set forth in this document.

6. The proposed regulations, together with an explanation of changes made, read as follows:

ITEM I—LOOKOUT STATIONS

7. Due to shortage of personnel Lookout Station No. 2 on upper end of dike, Dike Cut, Middle Neebish Channel; Lookout Station No. 5 at Moon Island, lower end of West Neebish Channel; and Lookout Station No. 7 at Nine-Mile Point, Sugar Island; have not been manned since shortly after the end of World War II. It is, therefore, proposed to omit listing these lookout stations so that § 92.04 will read as follows:

§ 92.04 *Lookout Stations.* Lookout stations of the St. Marys River patrol are numbered and located as follows:

No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel.
No. 3 off Mission Point, Little Rapid Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.
No. 6 off Brush Point, upper St. Marys River.

(29 Stat. 54–55, as amended; 33 U. S. C. 474)

ITEM II—SOUND SIGNALS USED BY PATROL

8. Because Lookout Station No. 5 is no longer manned the fog signal for this station has been discontinued. It is, therefore, proposed to amend § 92.010 (c) by deleting the reference to Lookout Station No. 5 so this paragraph will read as follows:

§ 92.010 *Sound signals used by patrol.* * * *

(c) A fog bell has been established at Lookout Station No. 4, and will be sounded in response to the fog signal of a vessel which may happen to be caught by fog in the West Neebish Channel when nearing that station. The signal consists of a group of four (4) strokes of the bell, the strokes being separated by one-second intervals.

(29 Stat. 54–55, as amended; 33 U. S. C. 474)

ITEM III—SPECIAL SOUND SIGNAL FOR MIDDLE NEEBISH CHANNEL

9. Because the name of the buoy has been changed from "Dark Hole Gas Buoy" to "Coyle Point Lighted Buoy No. 16," it is proposed to editorially revise § 92.12 to read as follows:

§ 92.12 *Special sound signal for Middle Neebish Channel.* In passing through Middle Neebish Channel, a downbound vessel shall sound a 10-second blast of her whistle at Coyle Point Lighted Buoy No. 16 and an upbound vessel shall sound the same signal abreast of Everens Point.

(29 Stat. 54–55, as amended; 33 U. S. C. 474)

ITEM IV—SPEED LIMIT IN ST. MARYS RIVER

10. In order to clarify the requirements regarding the speed limit in the St. Marys River, it is proposed to revise § 92.14, regarding speed limit between Everens Point and Big Point, and § 92.14a, regarding speed limit between Little Rapid Cut Lighted Buoy No. 87 and Six-Mile Point Range Rear Light, by combining these sections and by extending the speed limit requirements to include waters between Nine-Mile Point and lower end of West Neebish Channel, and on Lake Nicolet. The special limitation regarding the speed limit between Little Rapid Cut Lighted Buoy No. 87 and Six-Mile Point Range Rear Light will be extended to the end of the 1952 navigation season. It is, therefore, proposed to revise §§ 92.14 and 92.14a to read as follows:

§ 92.14 *Speed limit in St. Marys River.* (a) Vessels of 500 gross tons or over shall at no time exceed a speed of 12 statute miles per hour between the following points in the St. Marys River:

(1) Everens Point and Nine-Mile Point.

(2) Nine-Mile Point and lower end of West Neebish Channel.

(3) Big Point and Six-Mile Point Range Rear Light.

(4) Nine-Mile Point and Six-Mile Point Range Rear Light except that subject to the limitations of § 92.22 a vessel may in order to pass another proceed for short intervals at a speed of not more than 15 statute miles per hour over the ground.

(b) Until the end of the 1952 navigation season the speed limit for vessels of 500 gross tons or over, contained in paragraph (a) of this section, is modified to the extent described in paragraph (c) of this section.

(c) Until the end of the 1952 navigation season all vessels of 50 gross tons or over navigating between Little Rapid Cut Lighted Buoy No. 87 and Six-Mile Point Range Rear Light shall not exceed the following speed limit over the ground:

(1) Northbound, 7.5 statute miles per hour.

(2) Southbound, 10 statute miles per hour.

(29 Stat. 54–55, as amended, 33 U. S. C. 474)

ITEM V—PIPE ISLAND PASSAGES

11. In order to correct the designation of the buoy marking Watson's Reefs, it is proposed to editorially revise § 92.18 to read as follows:

§ 92.18 *Pipe Island passages.* Vessels of 500 gross tons or over shall leave Pipe Island Shoal and Pipe Island on the port hand in passing them, except that upbound vessels intending to stop at one of the Detour coal wharves above Watson Reefs Lighted Buoy No. 5 may pass to the westward of the shoal and island.

(29 Stat. 54–55, as amended; 33 U. S. C. 474)

ITEM VI—PASSING AND APPROACH IN CHANNEL

12. In 1946 "Light No. 24" was changed to "Light No. 50" and "Middle Lake Nicolet Front Range Light No. 17" was renamed "Upper Nicolet Range Front Light," and in order to properly identify other buoys it is proposed to editorially revise § 92.20 to read as follows:

§ 92.20 *Passing and approach in channels.* (a) No vessel of 500 gross tons or over shall approach nearer than one-quarter of a mile to a vessel bound in the same direction, nor pass such a vessel in a channel where the speed is restricted to 12 miles an hour or less, except between Bayfield Rock and the St. Marys Falls Canal and between Light No. 50 marking northern entrance to West Neebish Channel and Upper Nicolet Range Front Light, and for upbound vessels, only between Vidal Shoal and Lookout Station No. 6, or except as provided in paragraph (b) of this section and in § 92.21.

(b) In order to facilitate passing in Lake Nicolet, upbound vessels may, after passing Lake Nicolet Lighted Buoy No. 58 off Shingle Bay, approach not nearer than 500 feet to a vessel bound in the same direction.

(29 Stat. 54–55, as amended; 33 U. S. C. 474)

ITEM VII—OTHER ANCHORAGE AND NAVIGATION REGULATIONS

13. While it is considered necessary that 33 CFR 92.04, 92.010, 92.12, 92.14, 92.14a, 92.18, and 92.20 need to be revised at this time in order to bring the regulations up to date and to establish speed and passing rules suitable for present day operations, comments and suggestions regarding other regulations in 33 CFR Part 92 which have not been mentioned in Items I to VI, inclusive, are requested. The regulations are published by the Coast Guard in pamphlet CG 172, entitled "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River." Comments on regulations not covered in Items I to VI, inclusive, should give the suggested rewording of the section of the regulation showing the section number, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter.

Dated: October 2, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral,
U. S. Coast Guard, Commandant.

[F. R. Doc. 51-12061; Filed, Oct. 4, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 68]

U. S. STANDARDS FOR BEANS

GRADE REQUIREMENTS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003) that pursuant to the authority contained in the Agricultural Marketing Act of

1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the item for marketing service found in the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82nd Cong.), the United States Department of Agriculture is considering the amendment of the United States standards for beans (7 CFR, 1950 Supp., 68.101–68.103). The aforesaid standards were published in the FEDERAL REGISTER April 18, 1950 and have been in effect since May 1, 1950.

It is proposed to amend § 68.103 (a) of the standards by adding footnotes 2 and 3 after footnote 1 in the table of grade requirements to read respectively as follows:

[2] The beans of the class Mung beans in grade U. S. No. 1 may contain not more than 0.1 percent, in grade U. S. No. 2 not more than 0.2 percent, and in grade U. S. No. 3 not more than 0.5 percent of clean-cut, weevil-bored beans.

[3] The beans in each of the grades U. S. No. 1, U. S. No. 2, and U. S. No. 3 of the classes Yelloweye and Old Fashioned Yelloweye may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye or Old Fashioned Yelloweye beans.

A reference to footnotes 2 and 3 would be added after each reference to footnote 1 in the column headed "Grade" in said table.

Any person who desires to submit written data, views, or arguments concerning the proposed amendments of the United States standards for beans as set forth above may do so by filing them with the Director of the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

(Secs. 203 and 205, 60 Stat. 1087, 7 U. S. C. 1622, 1624; Pub. Law 135, 82d Cong.)

Issued this 1st day of October 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–12060; Filed, Oct. 4, 1951; 8:52 a. m.]

[7 CFR Parts 723, 725, 726, 727]

CIGAR-FILLER, CIGAR-FILLER AND BINDER, BURLEY AND FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, AND MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR 1952-53 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for cigar-filler tobacco, cigar-filler and binder tobacco, Burley tobacco, flue-cured tobacco, fire-cured tobacco, dark air-cured tobacco, Virginia sun-cured tobacco, and Maryland tobacco, for the 1952–53 marketing year, determine the amount of the national marketing quota for each kind of tobacco, apportion the national marketing quotas among the several States, and convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary of Agriculture shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purpose of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

National marketing quotas were proclaimed for the 1951–52 marketing year as follows:

Kind of tobacco:	*Federal Register*
Cigar-filler	15 F. R. 8214.
Cigar-filler and binder	15 F. R. 8214.
Burley	15 F. R. 8216.
Flue-cured	15 F. R. 8216.
Fire-cured	15 F. R. 8237.
Dark air-cured	15 F. R. 8237.
Virginia Sun-cured	15 F. R. 8237.
Maryland	15 F. R. 8181.

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1952–53 national marketing quota may, not later than March 1, 1952, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet marketing demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (July 1 in the case of flue-cured tobacco and October 1 in the case of other kinds of tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (b)) requires that within 30 days after a national marketing quota is proclaimed for the 1952–53 marketing year for cigar-filler tobacco, cigar-filler and binder tobacco, fire-cured tobacco, dark air-cured tobacco, or Maryland tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1951 crop of such kind of tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1952–53 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period. A separate referendum will be held for each such kind of tobacco and the results of any referendum will not affect the results of any other referendum.

Tobacco growers favored marketing quotas for the 1952–53 marketing year in referenda held pursuant to the act (7 U. S. C. 1313 (b)) as follows:

Kind of tobacco:	*Federal Register*
Burley	15 F. R. 51.
Flue-cured	14 F. R. 5253.
Virginia sun-cured	15 F. R. 309.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several states on the basis of the total production in each State

during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 2d day of October 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-12057; Filed, Oct. 4, 1951; 8:52 a. m.]

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1951

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9, regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if the tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following workday.

Pursuant to provisions of said agreement and order, a budget of $35,050 was unanimously recommended by the Almond Control Board, the administrative agency under said agreement and order, at its meeting in Sacramento on July 30, 1951. Approximately 47 percent of the proposed amount of the budget is composed of salaries, and the remainder is board meeting, travel, and miscellaneous expenses, rent, and unappropriated reserve. The recommendation appears to be reasonable. It will, of course, be necessary that all salary payments by the Almond Control Board be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive, or regulation pursuant thereto.

It is expected that almonds received by handlers for their own accounts (the quantity on which assessments will apply) during the crop year beginning July 1, 1951, will approximate 47,600,000 pounds of edible kernels. The agreement and order establishes an assessment rate of two-tenths of a cent per pound. The application of this rate would provide an amount far in excess of the proposed budget. A rate of one-tenth of a cent per pound would result in collection of sufficient funds to meet the budget, and would provide a moderate additional amount. The agreement and order provides that funds collected in excess of expenditures within the authorized budget shall be refunded pro rata to handlers from whom the assessments were collected. It is therefore proposed to fix the assessment rate at one-tenth of a cent per pound.

Therefore, the proposed rule is as follows:

§ 909.301 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1951*—(a) *Budget of expenses.* For the crop year beginning July 1, 1951, expenses in the amount of $35,050 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1951, shall be, in lieu of the assessment rate specified in § 909.121 of said agreement and order, one-tenth of a cent for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments had been paid.

Issued at Washington, D. C., this 2d day of October 1951.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-12058; Filed, Oct. 4, 1951; 8:52 a. m.]

[7 CFR Part 925]

[Docket No. AO-226-A2]

HANDLING OF MILK IN THE PUGET SOUND, WASH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, and was held at Seattle, Washington, on August 7-8, 1951. Proposed amendments to the order were submitted by the United Dairymen's Association (on behalf of certain member cooperative associations) and by the Alta Vista Dairy et al.

The material issues of record related to:

(1) Revision of the price differentials (over basic formula price) for Class I milk;

(2) Elimination of the portion of the marketing area lying within Pacific County, Washington, from coverage by the order; and

(3) The emergency character of marketing conditions and the need for immediate change in the order provisions.

The evidence introduced at the hearing and the record thereof indicated the need for prompt action with respect to issues (1) and (3). Accordingly, the Secretary of Agriculture filed a final decision with respect to these issues on August 20, 1951 (16 F. R. 8469), and an order was issued August 28, 1951 (16 F. R. 8816), effective September 1, 1951. This decision relates only to issue (2) above.

Findings and conclusions. The following findings and conclusions on such remaining issue are based upon the evidence introduced at the hearing and the record thereof and are supplementary to the findings and conclusions made with respect to the aforesaid decision:

Three proprietary handlers with fluid milk plants located at South Bend and

Raymond in Pacific County, Washington, and several producers supplying milk to such handlers, have petitioned for the deletion from the definition of "Puget Sound, Washington, marketing area" (§ 925.6) all reference to that portion lying within Pacific County. Petitioners testified in support of their proposal to the effect that (a) the petitioning handlers have had little or no contact with the Seattle milk market over a considerable period of years, (b) the Pacific County area subject to review (primarily the Willapa Valley) is a geographically segregated area nearly surrounded by hills and has little or no connection with the "Puget Sound country" and particularly no substantial relationship to the principal milk consuming centers of the Puget Sound marketing area (Seattle and Tacoma) and (c) the petitioning handlers are small businessmen carrying on family-sized operations, and that the added cost of milk testing and of preparing and keeping records to comply with order provisions would present a burden so great as to put such handlers out of business. In this connection, it has been contended that (a) only an insignificant volume of Grade A milk is produced in Pacific County, substantially all of which ultimately is consumed there leaving very little to augment the supply available to serve other portions of the Puget Sound marketing area, (b) the petitioning handlers do only a local business in and about South Bend and Raymond and procure substantially all their milk supplies from producers with farms located nearby, (c) such three handlers supply the milk consumed by the bulk of the population of 7500 in South Bend and Raymond, (d) there is no substantial degree of competition involved in the activities of the petitioners and those of persons outside the county, (e) the petitioning handlers have little, if any, "excess" milk problem and when any excess supply exists, it is disposed of as factory milk, and (f) prices paid for milk by the petitioning handlers are in line with those required to be paid by the order. The proposed amendment was opposed by ten cooperative associations of producers.

The record indicates that the average daily production of Grade A milk in Pacific County amounts to approximately 11,000 pounds. At this rate of production, it may be estimated that such county produces more than 3,700,000 pounds of milk during a 12-month period. Of the Pacific County production about one-third is transported from farms to a Lewis County fluid milk plant, operated by a cooperative association, in which milk is regularly bottled and from which milk also is disposed of in bulk to bottling plants in Tacoma, Olympia and other communities in the Puget Sound marketing area. Such Lewis County plant is covered by the order. The remaining two-thirds moves from farms to the plants of the petitioning handlers located in South Bend and Raymond, primarily for use locally as bottled milk and cream. At no time is any of the Pacific County Grade A milk production received at any plant located outside the Puget Sound marketing area, as currently defined, or shipped for bottling use in any milk market not included in such marketing area. A quantity of Grade A milk approximately equivalent to the amount of raw milk which leaves Pacific County enters such county daily in bottled form for sale in South Bend, Raymond and other communities after being processed in the above-mentioned Lewis County plant. Such bottled milk is not necessarily derived, however, from Pacific County production. Milk of Grade A quality is necessary for bottling use in Pacific County as is the case in the principal communities of the marketing area.

Two of the petitioning handlers indicated on the record that they frequently need supplemental supplies of milk in the months of seasonally low production when the quantities of milk received from regular Pacific County producers are insufficient to meet their requirements. The remaining handler stated that he requires supplemental milk each month of the year. Two of such handlers obtain their supplemental supplies from the cooperative association which operates the referred-to plant in Lewis County. In some instances delivery is made directly from a Pacific County farm to the handler's South Bend plant at the direction of the producer association; at other times the sale to petitioners has been made by the association after the milk has been assembled from farms at a plant operated by the association at Menlo, in Pacific County. Other supplemental supplies of Grade A milk originate with a handler in Grays Harbor County whose plant and milk supply also are covered by the order. The Grade A milk supply of each of such petitioners is used for Class I milk products only.

When regular producers of the petitioning handlers deliver more milk than is needed by the latter—as customarily occurs each year in the case of two such handlers during the season of flush production—such surplus is disposed of through (a) the aforesaid Lewis County association, (b) a second cooperative association of producers with a plant at Satsop, in Grays Harbor County, or (c) the aforesaid handler in Grays Harbor County. Such excess milk usually is commingled with "factory" milk and manufactured within the present regulated area into milk products which are sold both within and outside the State of Washington. It has been customary for such excess to be handled by persons or organizations having substantial quantities of Grade A milk under order jurisdiction. The third handler petitioner stated that he avoids seasonal excesses of milk in his plant by having a deficit supply (less than his sales of fluid milk and cream) and by making regular supplemental purchases amounting to nearly one-sixth of his total requirements.

From the above it is evident that the petitioning handlers, who use Grade A milk in their plants for Class I milk purposes only, rely on plants located within the Puget Sound marketing area and covered by the order to provide a standby supply of milk for bottling purposes when their own producer supplies are not sufficient. The result has been a disproportionate division between the producers delivering to such handlers and other Puget Sound area producers of the burden of carrying seasonal excesses of production and the necessary reserves to supply in full Pacific County consumer needs. This may be illustrated by comparing the returns indicated by the record as received by producers for June deliveries this year (a flush production month) from each of the petitioners with a weighted average price for all milk delivered in the same month to the said Lewis County plant which handles bottled milk ultimately distributed in Pacific County. The record shows that the producers supplying one of the petitioning handlers received $4.914 per hundredweight f. o. b. plant for all milk delivered. Producers of the second handler petitioner received $5.15 per hundredweight at the plant for all milk delivered while producers of the third received $4.892.[1] A comparable price for the Lewis County plant may be computed by converting the prices announced pursuant to the order for "base milk" and "excess milk" to a weighted average price reflecting both the base milk and excess milk values. On this basis the minimum weighted average price to the producer for his deliveries to the Lewis County plant would have been $4.76 f. o. b. plant in June.[2] It may be explained in this connection that although the petitioning handlers are subject to the order provisions and were in the month of June, they had not complied up to the date of the hearing with its monthly payment requirements.

The record indicates further that as much as 10–15 percent of the milk bottled in the Lewis County plant previously referred to is distributed through a "jobber" who is in competition with petitioners in South Bend and Raymond in the sale of bottled milk to customers. The manager of such plant testified that the quantity disposed of in Pacific County in this way averages about 1150 units per day (on the basis of a quart as one unit, these sales amount to nearly 4,200,000 pounds of milk per year). This represents more than 30 percent of the indicated volume of Class I milk products consumed in Pacific County. Such milk is accountable to the market pool at the minimum Class I price established by the order since such milk is subject to regulation and would continue to be whether or not the area in Pacific County under consideration were removed from the defined marketing area.

In view of the circumstances outlined in the preceding paragraphs, it is concluded that the plant operations of the petitioners are closely related from a marketing standpoint to those of other plants handling Grade A milk in the

[1] Allowance to handler for farm to plant haul testified to be approximately 15 cents per hundredweight included in petitioners' prices to enable comparison with Lewis County plant price on a "received-at-plant" basis.

[2] In computing such weighted average price, a location adjustment of 25 cents per hundredweight (§ 925.81 (a)) was subtracted from the announced price of base milk ($5.46) for June.

Puget Sound area and to the activities of persons and organizations regulated by the order.

The evidence discloses also that the prevailing buying practices of the petitioning handlers have resulted in variations in cost patterns among themselves for milk for bottling use and in a product cost thereof to each such handler lower than that experienced by the jobber selling in Pacific County who purchases milk from the regulated plant in Lewis County. The cost of milk purchased from producers and used entirely for Class I milk products by one petitioner was indicated in the record to be $4.914 per hundredweight during the entire flush production season this year and $5.15 per hundredweight in other months (including 15 cents per hundredweight as the cost to the handler for the farm to plant haul). This may be compared with costs, for similar uses of milk, in the flush months of production of $5.15 per hundredweight (also includes the 15 cent allowance to the handler for hauling) for the other two petioners and $5.278 per hundredweight in June for the jobber who purchases milk in bottles from the Lewis County association and distributes in South Bend and Raymond (the latter price is that which the Lewis County association was required to pay to the market pool for such Class I milk during that month).

Adoption of the proposed amendment would provide special price benefit to petitioners who would become exempt from regulation but who would remain in competition in a substantial way with persons handling milk purchased from producers on order terms. Price disadvantage of serious proportion would be created with respect to such milk remaining under the order. Also, as previously stated, the burden of the surplus necessary in connection with Pacific County Grade A milk requirements would not be equitably distributed among producers. As pointed out in the decision of the Secretary dated April 5, 1951, on which the original order for the Puget Sound area was promulgated, uniformity of Class I milk pricing and an equitable sharing of the lower returns resulting from disposition of the necessary reserves and seasonal excesses of supply are essential for the maintenance of stable marketing conditions in the Puget Sound marketing area. Official notice is taken of such decision. A classified price plan based on the audited utilization of handlers and a market-wide pool have been instituted to effectuate the above marketing principles. Although a lesser quantity of milk is involved in Pacific County than in the main consuming centers of the marketing area, the indicated volumes marketed by producers with farms in the County and the amounts sold within the County from other counties in the marketing area may not be regarded as insignificant, as contended by petitioners. The disruptive elements of marketing present in the segment of the marketing area under consideration follow closely the pattern for the entire area which led to the original issuance of the order. Further, the petitioning handlers may not be excused from regulation on the ground that the cost of compliance is prohibitive to their continued operation. The order places no obligations on petitioners different from those applicable to handlers generally.

In view of the foregoing considerations, it is concluded that that portion of the present marketing area which lies within Pacific County is so related, both geographically and from the viewpoint of market economics, to the remainder of the Puget Sound marketing area that its continued inclusion is essential to the maintenance of orderly marketing throughout the entire area currently under the regulation. The proposed deletion from the Puget Sound, Washington, marketing area of that portion lying within Pacific County therefore is denied.

Rulings on briefs. Briefs on the subject issue were filed on behalf of Alta Vista Dairy et al., the Lewis-Pacific Dairymen's Association, and the United Dairymen's Association et al. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposal discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Filed at Washington, D. C., this 1st day of October 1951.

Dated: October 1, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-12059; Filed, Oct. 4, 1951; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

FLIGHT DISPATCHERS

DUTY TIME LIMITATIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 41 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by November 5, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after November 8, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Part 41 contains no duty time standards or limitations for flight dispatchers engaged in scheduled air carrier operations outside the continental limits of the United States. Certain duty time limitations, however, are prescribed for flight dispatchers in CAA Operations Specifications. Until recently the terms of these limitations did not permit a flight dispatcher to remain on duty for more than 10 hours during any 24 consecutive hours. The absence of authority to remain on duty beyond the 10 hour limit in times of emergency proved unduly restrictive. Accordingly, the Civil Aeronautics Administration, at the request of Pan American-Grace Airways, has reconsidered the matter and has revised its requirements to permit an extension of duty time in emergencies. As revised, the new requirements are consistent with those set forth in Part 61 for scheduled interstate operations.

The amendment proposed below is intended to establish the same standard of duty time as that applicable to domestic operations, for all flight dispatchers engaged by air carriers in operations under Part 41. Since experience has already demonstrated the necessity for making provision in the operating specifications for emergency situations, this amendment authorizes duty for more than 10 hours under such circumstances.

It is proposed to amend Part 41 as follows:

By adding a new § 41.89 to read as follows:

§ 41.89 *Duty time limitations*—(a) *Maximum consecutive hours of duty.* No dispatcher shall be on duty as such for a period of more than 10 consecutive hours.

(b) *Maximum hours of duty in 24 consecutive hours.* If a dispatcher is scheduled to be on duty as such for more than 10 hours in a period of 24 consecutive hours, he shall be given a rest period of not less than 8 hours, at or before the termination of 10 hours of dispatcher duty except in emergencies due to illness or unavoidable absence of a dispatcher due to weather during a qualification trip or other circumstances beyond the control of the operator.

(c) *Dispatcher's time off.* Relief from all duty with the air carrier for not less than 24 hours shall be provided for and given each dispatcher at least once during any consecutive 7 days, or equivalent thereto within 1 calendar month.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendment may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: September 28, 1951, at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-12017; Filed, Oct. 4, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to the authority contained in Public Law 760, 81st Congress (64 Stat. 769), the County of Pickens in the State of South Carolina, is hereby designated as an area in which mineral interests are to be sold for their fair market value.

Done at Washington, D. C., this 1st day of October 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-11997; Filed, Oct. 4, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-28]

MISSISSIPPI SHIPPING CO., INC.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held before Examiner A. L. Jordan, in Room 4823, Commerce Building, Washington, D. C., on December 4, 1951, at 10 o'clock a. m., under Title VI of the Merchant Marine Act, 1936, as amended, concerning review by the Board, on its own motion, of the Operating-Differential Subsidy Agreement of Mississippi Shipping Company, Inc., with a view to determining the basis for permanent subsidy rates to be applicable to the C-3 Combination Passenger and Freight vessels "Del Norte," "Del Sud" and "Del Mar" operated by said company on Line A (1) of Trade Route No. 20 (U. S. Gulf-East Coast South America Service).

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether, and to what extent, the operation of such Combination Passenger and Freight vessels by Mississippi Shipping Company, Inc., on Line A (1) of Trade Route No. 20 was required to meet foreign-flag competition and to promote the foreign commerce of the United States between January 1, 1947, and the present date, or any part of that period; (2) whether such competition, if any, was (a) direct foreign-flag competition, or (b) other than direct foreign-flag competition; and (3) the extent to which the payment of subsidy in respect to the combination passenger and freight service afforded by the operation of the above-mentioned combination vessels on Trade Route No. 20 is necessary to place such vessels on a parity with those of foreign-flag competitors, and is reasonably calculated to carry out effectively the purposes and policy of the Merchant Marine Act, 1936, as amended.

At a prehearing conference held September 20, 1951, Maritime Administration staff stated it will present statistical evidence to reflect all cargo and passengers carried, in competition with the company by all types of vessels, for 1947, 1948, 1950, and the first six months of 1951 (1949 cargo reports not developed), and type of passenger accommodations and transit time, including cruise class accommodations available and occupied. The company stated it will present passenger statistics for period prior to 1947; explore possibility of furnishing cargo statistics for 1949; try to provide passenger rates and physical analysis of different classes of accommodations on foreign vessels; and produce evidence on the company's operating results. Both parties stated they will present historical data on the economic and military significance of the areas covered by the route, and agreed to undertake submission to each other the final draft of exhibits by November 19, 1951, and copy of any written statements as soon as put in final form.

The hearing will be conducted pursuant to the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding should notify the Board accordingly on or before November 30, 1951, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: September 28, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-12007; Filed, Oct. 4, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8343]

SCANDINAVIAN AIRLINES SYSTEM; RENEWAL OF FOREIGN AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the petition of Scandinavian Airlines System for a stay of any possible termination of its foreign air carrier permit as a result of the substitution of Aktiebolaget Aerotransport (ABA) for Svensk Interkontinental Lufttrafik A/B (SILA), in the Consortium composed of the airlines of Sweden, Denmark and Norway; and the modification, alteration, renewal or amendment of said permit to continue its authority to operate into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 (g), 801 and 1102 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 16, 1951, at 10:00 a. m., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues to be presented by said petition, particular attention will be directed to the following questions:

1. Whether the proposed modification, alteration, renewal or amendment are in the public interest and in accordance with section 402 (g) of the act as defined in section 2 thereof.

2. Whether the applicant is fit, willing, and able to continue performing the foreign air transportation formerly authorized and to conform to the provisions of said act and the requirements of the Board thereunder.

3. Whether, and to what extent, the merger of ABA (Aktiebolaget Aerotransport) with SILA (Svensk Interkontinental Lufttrafik A/B) and the substitution of the surviving company, ABA, as a member of the Scandinavian Airlines System Consortium affects the fitness, willingness and ability of the petitioner as aforesaid.

4. Whether the proposed amendment, alteration, renewal or modification are consistent with any obligations assumed by the United States in any treaty, convention, or agreement between it and foreign countries in accordance with section 1102 of the said act.

Dated at Washington, D. C., October 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-12009; Filed, Oct. 4, 1951; 8:49 a. m.]

[Docket No. 4034 et al.]

INDIANA-OHIO LOCAL SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of a proceeding to determine whether the public convenience and necessity require the alteration, amendment, or modification of the temporary certificate for route No. 88 so as to extend the effectiveness of such certificate for an additional 3-year period from and after December 31, 1949.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that oral argument in the above-entitled proceeding is assigned to be heard on October 30, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-12008; Filed, Oct. 4, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 107, Amdt. 1]

BALI BRASSIERE CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 107, issued under section 43 of Ceiling Price Regulation 7, to Bali Brassiere Co., Inc., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its ability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 107 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 3, 1951," the date "October 3, 1951."

2. In paragraph 3, substitute for the date "September 4, 1951," wherever it appears, the date "November 5, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11801; Filed, Sept. 27, 1951; 4:29 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 118, Amdt. 1]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 118, issued under section 43 of Ceiling Price Regulation 7, to Sealy Mattress Company, extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 118 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 15, 1951", the date "October 15, 1951."

2. In paragraph 3, substitute for the date "September 14, 1951," wherever it appears, the date "November 14, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11802; Filed, Sept. 27, 1951; 4:29 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 134, Amdt. 1]

DIAMOND FULL FASHIONED HOSIERY CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 134 issued under section 43 of Ceiling Price Regulation 7, to Diamond Full Fashioned Hosiery Company, Inc., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 134 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 16, 1951," the date "October 16, 1951."

2. In paragraph 3, substitute for the date "September 15, 1951," wherever it appears, the date "November 15, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11803; Filed, Sept. 27, 1951; 4:29 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 137, Amdt. 1]

B. V. D. CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 137, issued under section 43 of Ceiling Price Regulation 7, to B. V. D. Company, Inc., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 137 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 16, 1951," the date "November 14, 1951."

2. In paragraph 3, substitute for the date "September 15, 1951," wherever it appears, the date "December 14, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MCHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11804; Filed, Sept. 27, 1951; 4:30 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 188, Amdt. 1]

JULIUS KAYSER & CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 188, issued under section 43 of Ceiling Price Regulation 7, to Julius Kayser & Co., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 188 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 23, 1951," the date "October 22, 1951."

2. In paragraph 3, substitute for the date "September 22, 1951," wherever it appears, the date "November 22, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11805; Filed, Sept. 27, 1951; 4:30 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 195, Amdt. 2]

F. JACOBSON & SONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 195, issued under section 43 of Ceiling Price Regulation 7, to F. Jacobson & Sons, Inc., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 195 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 23, 1951," the date "November 21, 1951."

2. In paragraph 3, substitute for the date "September 22, 1951," wherever it appears, the date "December 21, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11806; Filed, Sept. 27, 1951; 4:30 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 196, Amdt. 1]

MANHATTAN SHIRT CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 196, issued under section 43 of Ceiling Price Regulation 7, to The Manhattan Shirt Co., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inabil-

ity to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 196 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "August 25, 1951," the date "November 23, 1951."

2. In paragraph 3, substitute for the date "September 24, 1951," wherever it appears, the date "December 24, 1951."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11807; Filed, Sept. 27, 1951; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 211, Amdt. 1]

RED WING POTTERIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 211 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the earthenware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after November 27, 1951, The Red Wing Potteries, Inc. must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for The Red Wing Potteries, Inc. earthenware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this, The Red Wing Potteries, Inc., price book, have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

The Red Wing Potteries, Inc.
OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows on decoratve displays) a tag or sticker described above. The tab or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11808; Filed. Sept. 27, 1951; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 213, Amdt. 1]

ROYAL CHINA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 213 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the dinnerware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after November 27, 1951, Royal China, Inc., must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Royal China, Inc., dinnerware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Royal China, Inc., price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Royal China, Inc.
OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11809; Filed, Sept. 27, 1951; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 231, Amdt. 1]

C. F. HATHAWAY CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 231, issued under section 43 of Ceiling Price Regulation 7, to C. F. Hathaway Co., extends the date by which the applicant was required to mark or tag its branded articles. The extension is granted on applicant's demonstration of its inability to preticket in the manner set forth in the special order by the date specified.

Amendatory provisions. Special Order 231 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. In paragraph 3, substitute for the date "October 2, 1951," the date "January 2, 1952."

2. In paragraph 3, substitute for the date "November 2, 1951," wherever it appears, the date "February 1, 1952."

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11810; Filed, Sept. 27, 1951; 4:31 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 293, Amdt. 1]

METLOX MFG. CO.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 293 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the pottery industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after November 27, 1951, Metlox Manufacturing Company must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Metlox Manufacturing Company pottery have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Metlox Manufacturing Company price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Metlox Manufacturing Company
OPS—Sec. 43—CPR 7
Price $--------

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11811; Filed, Sept. 27, 1951; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 313, Amdt. 1]

BRUSCHE' CERAMICS

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 313 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the ceramics industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The preticketing method established by this amendment is necessary because the articles covered by the special order are characteristically not adaptable to the usual preticketing method.

Amendatory provisions. 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after November 27, 1951, Brusche' Ceramics must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Brusche' Ceramics have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Brusche' Ceramics price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Brusche' Ceramics
OPS—Sec. 43—CPR 7
Price $--------

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective on September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11812; Filed, Sept. 27, 1951; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 357, Amdt. 1]

INTERNATIONAL MOLDED PLASTICS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 357 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the dinnerware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 3 of the special order and substitute therefor the following:

3. On and after November 27, 1951, International Molded Plastics, Inc. must

furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for International Molded Plastics, Inc. dinnerware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this International Molded Plastics, Inc. price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

International Molded Plastics, Inc.
OPS—Sec. 43—CPR 7
Price $--------

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11813; Filed, Sept. 27, 1951; 4:32 p. m.]

No. 194——4

[Ceiling Price Regulation 7, Section 43, Special Order 667]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Sealy Mattress Company, 8 South Harvie Street, Richmond 20, Virginia.

Brand names: "Sealy".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for is issued. You shall not sell above these resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}

$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 20th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11502; Filed, Sept. 19, 1951; 5:10 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 668]

LUNT SILVERSMITHS

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Lunt Silversmiths, 298 Federal Street, Greenfield, Massachusetts, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the date and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the percentage of total sales which each article covered by this special order bears to the total sales of all articles covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of sterling silver flatware, manufactured by Lunt Silversmiths, 298 Federal Street, Greenfield, Massachusetts, having the brand name "Lunt Sterling" shall be the proposed retail ceiling prices listed by Lunt Silversmiths in its application dated April 23, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated September 6, 1951). A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 19, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after November 19, 1951, Lunt Silversmiths must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for Lunt Silversmiths sterling silver flatware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this Lunt Silversmiths price book have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

Lunt Silversmiths
OPS—Sec. 43—CPR 7
Price $_____

On and after December 19, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is on open display a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60-day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within 2 months immediately prior to the effective date, the manufacturer had delivered any article covered by paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.} Terms{net. percent EOM. etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of the special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the percentage of total sales which each article covered by this special order bears to the total sales of all articles covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the article covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective September 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11503; Filed, Sept. 19, 1951; 5:11 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 669]

UNIVERSAL POTTERIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Universal Potteries, Inc., Cambridge, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

This special order, designed to meet the particular requirements of the dinnerware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order. The preticketing method established by this special order is necessary because the articles covered by the special order are characteristically not adaptable to the usual preticketing method.

The special order contains provisions requiring each article on display to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of household dinnerware manufactured by Universal Potteries, Inc., Cambridge, Ohio, having the brand name "Ballerina," shall be the proposed retail ceiling prices listed by the American Ceramic Products, Inc., in its application dated May 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after November 27, 1951, Universal Potteries, Inc. must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book and a supply of tags and stickers. Such a sign, a price book, and a supply of tags and stickers shall also be sent, on or before the date of the first delivery of an article covered by paragraph 1 of this special order, subsequent to the effective date of this special order. The sign must contain the following legend:

> The retail ceiling prices for the Universal Potteries, Inc. household dinnerware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

> The retail ceiling prices in this Universal Potteries, Inc. price book have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

Universal Potteries, Inc.
OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. Prior to December 27, 1951, unless the retailer has received the sign described above and has it displayed so that it may be easily seen, and a copy of the price book described above available for immediate inspection, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first six months' period following the effective date of this special order and within 45 days of the expiration of each successive six months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that six months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11814; Filed, Sept. 27, 1951; 4:32 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 670]

FLUEGELMAN-RIVERDALE, INC., RIVERDALE MFG. CO., INC., DIVISION

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Fluegelman-Riverdale, Inc., Riverdale Manufacturing Co., Inc. Division, 261 Fifth Ave., New York, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of converted drapery and slip cover fabrics sold through wholesalers and retailers and having the brand name(s) "Riverdale" shall be the proposed retail ceiling prices listed by Fluegelman-Riverdale, Inc., hereinafter referred to as the "applicant" in its application dated May 15, 1951 and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 27, 1951, Fluegelman-Riverdale, Inc., Riverdale Manufacturing Co., Inc. Division must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
_____	$_____

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11815; Filed, Sept. 27, 1951; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 671]

PHOENIX TABLE MAT CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Phoenix Table Mat Co., 1315 West Congress Street, Chicago 7, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of stove mats sold through wholesalers and retailers and having the brand name(s) "Aristo-Mat" shall be the proposed retail ceiling prices listed by Phoenix Table Mat Co., 1315 West Congress Street, Chicago 7, Illinois, hereinafter referred to as the "applicant" in its application dated August 14, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later that November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 27, 1951, Phoenix Table Mat Co. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers.*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11816; Filed, Sept. 27, 1951; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 672]

L. G. DOUP CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, L. G. Doup Company, 1301 Nicholas Street, Omaha 2, Nebraska, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of mattresses and box springs sold through wholesalers and retailers and having the brand name(s) "Serta", "Union Pacific", "Lorain", "Hercules", and "Everest Deluxe" shall be the proposed retail ceiling prices listed by L. G. Doup Company, 1301 Nicholas Street, Omaha 2, Nebraska, hereinafter referred to as the "applicant" in its application dated March 29, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 27, 1951, L. G. Doup Company must market each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11817; Filed, Sept. 27, 1951; 4:33 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 673]

EDINBURGH CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Edinburgh Corporation, T/A Heritage Weavers, P. O. Box 128, Laurinburg, N. C., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of bedspreads sold through wholesalers and retailers and having the brand name(s) "Morgan-Jones, Inc.," shall be the proposed retail ceiling prices listed by Edinburgh Corporation, T/A Heritage Weavers, P. O. Box 128, Laurinburg, N. C., hereinafter referred to as the "applicant" in its application dated July 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 27, 1951, Edinburgh Corporation, T/A Heritage Weavers, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after December 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11818; Filed, Sept. 27, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 674]

LEWIS BEDDING, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Lewis Bedding, Inc., 1725 East Fourth Street, Sioux City, Iowa.

Brand names: "Aristocrat", "Pillow Soft", "Challenger", "Komfort Koil", "Hotel Special", "#1180", and "Firestone".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the

order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}

$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ _____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11819; Filed, Sept. 27, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 675]

PABST BEDDING CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Pabst Bedding Company, Inc., Twelfth and Walnut Streets, Cincinnati 10, Ohio.

Brand names: "Spring Air Model 10", "Spring Air Model 30", "Spring Air Model 50", "Spring Air Model 70", "Spring Air Model 60L", "Spring Air Model 60F", and "Spring Air Back Supporter".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}

$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by

this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11820; Filed, Sept. 27, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 676]

ROBESON CUTLERY CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices and for ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Robeson Cutlery Company, Inc., Perry, New York.

Brand names: "Shur Edge" and "Frozen Heat".

Articles: Household cutlery, cutlery sets, pocket knives, hunting knives, scissors and shears.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in Section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____ {unit. dozen. etc.}	Terms {net. percent EOM. etc.} $_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ _____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11821; Filed, Sept. 27, 1951; 4:34 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 677]

E. B. MALONE CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: E. B. Malone Company, 600 East 4th Street, Jacksonville 6, Florida.

Brand names: "Spring Air Model 70", "Spring Air Model 50", "Spring Air Back Supporter", "Super Emblem", "Emblem", "Malone Super Glamourest", "Malone Glamourest", "Malone E. D. C."

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$------ per------{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}
$--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11822; Filed, Sept. 27, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 678]

CORY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant and/or wholesaler named in the accompanying special order, Cory Corporation, 221 N.

La Salle St., Chicago 1, Illinois, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the article a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail of electric coffee and tea brewers and servers, dish washers, mixing bowls, fans, fanettes, console circulators, heaterettes, room humidifiers, knife sharpeners, coffee grinders, stoves with cords, hostess sets, and filter rods sold through wholesalers and retailers and having the brand name(s) "Cory", "Nicro" and "Fresh'nd-Aire" shall be the proposed retail ceiling prices listed by Cory Corporation, 221 N. La Salle St., Chicago 1, Illinois, hereinafter referred to as the "applicant" in its application dated August 20, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in its applications dated August 28, 1951, and September 25, 1951).

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 27, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 27, 1951, Cory Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after December 27, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 27, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1
----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11823; Filed, Sept. 27, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 679]

DAN NOVICK & CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an appli-

cation filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Dan Novick & Company, 847 West Jackson Boulevard, Chicago 7, Illinois.

Brand names: "Paul Sargent."

Articles: Women's and misses' dresses.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM., / etc. $--------

8. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ --------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11824; Filed, Sept. 27, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 680]

CHATTANOOGA MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order

requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Chattanooga Mattress Company, 1265 E. 13th Street, Chattanooga, Tennessee.

Brand names: "Serta Serta-Foam Set", "Serta Perfect Sleeper", "Serta Perfect Sleeper Supreme", "Serta Perfect Sleeper Deluxe", "Serta Perfect Sleeper Orthopedic", "Serta Restal Knight", "Serta Sertarest", "Serta Serta Hotel", and "Serta Tiny Perfect Sleeper".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$------ per------{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}
$--------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11825; Filed, Sept. 27, 1951; 4:35 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 681]

SPRINGFIELD LEATHER PRODUCTS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Springfield Leather Products Co., 226

North Fountain Avenue, Springfield, Ohio.

Brand names: "Cameo".

Articles: Cigarette cases, key cases, men's and women's billfolds, billfold-key case combinations, billfold-key case-cigarette combinations, women's French purses and billfold-cigarette case combinations.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 90 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.	Terms {net. / percent EOM. / etc. $-------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 28th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 27, 1951.

[F. R. Doc. 51-11826; Filed, Sept. 27, 1951; 4:36 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9692, 10065]

ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, for renewal of license, Docket No. 9692, File No. BR-1877; for transfer of control, Docket No. 10065, File No. BTC-897.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1951;

The Commission having under consideration (1) the above-entitled applications of St. Joseph Valley Broadcasting Corporation, licensee of Station WJVA, South Bend, Indiana, for renewal of license and for consent to a transfer of control; and (2) a petition, filed May 2, 1951, by the above-entitled applicant requesting that its application for Commission consent to a transfer of control be designated for hearing in a consolidated proceeding with its application for renewal of license, which latter application is already in a hearing status, and that issues be specified permitting the introduction of evidence to determine the legal, technical, financial and other qualifications of the present officers, directors and stockholders of the applicant corporation, as well as issues relating to a possible unauthorized transfer of control; and

It appearing, that on May 23, 1950, the Commission designated for hearing the above-entitled application for renewal of license on certain issues relating chiefly to a possible unauthorized transfer of control in violation of section 310 (b) of the Communications Act of 1934, as amended, and that after one continuance, the said hearing was on July 21, 1950, continued indefinitely; and

It further appearing, that a consolidation of the above-entitled applications for renewal of license and for consent to a transfer of control of the licensee corporation, as requested by the subject petition, would conduce to the proper dispatch of business and to the ends of justice, as required by § 1.724 (a) of the Commission's rules and regulations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of St. Joseph Valley Broadcasting Corporation for Commission

consent to a transfer of control is designated for hearing in a consolidated proceeding with the said licensee's application for renewal of license, commencing at 10:00 a. m. on October 29, 1951, at South Bend, Indiana, upon the following issues:

1. To determine who are the present owners of the stock of the applicant corporation and when and from whom said stock was acquired.

2. To determine the legal, technical, financial and other qualifications of the present officers, directors and stockholders of the corporate applicant to operate Station WJVA, as proposed.

3. To determine the type and character of program service previously rendered and proposed to be rendered and whether it has met and will meet the requirements of the populations and areas being served.

4. To determine whether the license granted to the applicant corporation or the rights and responsibilities incident thereto, have been in any manner, either directly or indirectly, transferred, assigned or disposed of without the consent of the Commission, as provided by the Communications Act of 1934, as amended, and particularly section 310 (b) thereof.

5. To determine whether the statements and representations made in the various applications, documents, and reports filed with the Commission on behalf of the applicant corporation by its officers, directors and/or agents, have fully and accurately reflected the facts concerning ownership, transfer, and/or control of the stock of the applicant.

6. To determine whether all contracts and agreements which have been entered into by applicant's officers, directors, stockholders and/or agents, relative to the sale and transfer of the stock of the applicant corporation or the financing thereof have been reported to the Commission as required by the Commission's rules and regulations.

7. To determine whether the applicant corporation's officers, directors and stockholders have, in filing various applications, documents and reports with the Commission fully complied with the Commission's rules and regulations concerning the filing of such applications, documents and reports.

8. To determine whether in view of the facts adduced under the foregoing issues, the public interest, convenience, and necessity would be served by granting the above-entitled applications.

It is further ordered, That the Commission's order of May 23, 1950, designating for hearing the above-entitled application of St. Joseph Valley Broadcasting Corporation (WJVA) for renewal of license is amended to include the above issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-12015; Filed, Oct. 4, 1951; 8:50 a. m.]

[Docket No. 9967]

PEOPLES BROADCASTING CORP. (WOL)

ORDER CONTINUING HEARING

In re: application of Peoples Broadcasting Corporation (WOL), Washington, D. C., for renewal of license of synchronous amplifier located in Silver Spring, Maryland, Docket No. 9967, File No. BR-1130.

The Commission having under consideration a petition filed September 26, 1951 by Peoples Broadcasting Corporation (WOL), Washington, D. C., for 60-day continuance of the hearing now scheduled in Washington on October 10, 1951;

It appearing, that this proceeding involves complex engineering issues; that applicant's consulting engineer has been out of the country for some time and is not expected to return before the latter part of October; that Peoples Broadcasting Corporation has pending an application for a construction permit to change frequency, increase power and change transmitter site, which hearing is presently scheduled to be heard on October 30, 1951; that there are no other parties to this proceeding; Commission counsel has consented to a waiver of § 1.745 of the Commission's rules to permit the immediate consideration and grant of this motion; that no one can be adversely affected by a grant of the continuance requested and good cause has been shown for a grant thereof;

It is ordered, This 28th day of September 1951, That the petition of Peoples Broadcasting Corporation (WOL) for a 60-day continuance is granted; and the hearing on the above-entitled matter now scheduled in Washington, D. C., on October 10, 1951, is hereby continued to 10 o'clock a. m., Monday, December 10, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-12016; Filed, Oct. 4, 1951; 8:51 a. m.]

[Docket Nos. 10058, 10059]

JAMES COZBY BYRD, JR., AND SOUTHERNAIR BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James Cozby Byrd, Jr., Spartanburg, South Carolina, Docket No. 10058, File No. BP-7838; Omar G. Hilton and Greeley N. Hilton, d/b as Southernair Broadcasting Company, Spartanburg, South Carolina, Docket No. 10059, File No. BP-8232; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous co-channel operation in the same city (Spartanburg, South Carolina); the James Cozby Byrd, Jr. proposal to be operated on the frequency 1400 kilocycles, 250 watts power, unlimited time and the Southernair Broadcasting Company proposal to be operated on the frequency 1400 kilocycles, 250 watts power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on November 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and of the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-12013; Filed, Oct. 4, 1951; 8:50 a. m.]

[Docket Nos. 10060, 10061]

W. H. GREENHOW CO. (WWHG) AND HORNELL BROADCASTING CORP. (WLEA)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The W. H. Greenhow Company (WWHG), Hornell, New York, for construction permit, Docket No. 10060, File No. BP-8024; Hornell Broadcasting Corporation (WLEA), Hornell, New York, for modification of construction permit, Docket No. 10061, File No. BMP-5636.

At a session of the Federal Communications Commission held at its offices

in Washington, D. C., on the 26th day of September 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous operation with the facilities 1420 kc., with power of 500 w., 1 kw.-LS, unlimited time with a directional antenna nighttime at Hornell, New York;

It is ordered, That, pursuant to section 309 (a) of the Communication Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on November 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate Stations WWHG and WLEA, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of stations WWHG and WLEA, as proposed, would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of stations WWHG and WLEA, as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-12014; Filed, Oct. 4, 1951; 8:50 a. m.]

[Docket Nos. 10062, 10063]

NORTH SHORE BROADCASTING CO., INC., AND GEORGE BASIL ANDERSON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of North Shore Broadcasting Co., Ins., Evanston, Illinois, Docket No. 10062, File No. BP-8094; George Basil Anderson, Rockford, Illinois, Docket No. 10063, File No. BP-8191; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1951;

The Commission having under consideration the above-entitled applications of North Shore Broadcasting Co., Inc. and George Basil Anderson, each requesting a construction permit for a new standard broadcast station to operate on 1330 kc., with 500 w. power, daytime only, using a directional antenna, at the cities of Evanston, Illinois and Rockford, Illinois, respectively.

It is ordered, That pursuant to section 309 (a) of the Communications act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on November 15, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant and the corporate applicant, its officers, directors and stockholders, to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Evanston, Illinois would involve objectionable interference with stations WKAN, Kankakee, Illinois, WJOL, Joliet, Illinois or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station at Rockford, Illinois, would involve objectionable interference with stations KROS, Clinton, Iowa, WIBA, Madison, Wisconsin or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Kankakee Daily Journal Company, licensee of station WKAN, Kankakee, Illinois and Joliet Broadcasting Company, licensee of station WJOL, Joliet, Illinois, are made parties to this proceeding with respect to the application of North Shore Broadcasting Co., Inc., only; and that Clinton Broadcasting Corporation, licensee of station KROS, Clinton, Iowa, and Badger Broadcasting Company, licensee of station WIBA, Madison, Wisconsin are made parties to this proceeding with respect to the application of George Basil Anderson only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-12012; Filed, Oct. 4, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1704]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 28, 1951.

On June 11, 1951, Cities Service Gas Company (Applicant) a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma filed an application as supplemented on August 6, 1951, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the acquisition, construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 26, 1951 (16 F. R. 6154).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 18, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of

§ 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-11998; Filed, Oct. 4, 1951; 8:48 a. m.]

[Docket No. G-1758]

HOME GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 28, 1951.

On August 9, 1951, Home Gas Company (Applicant), a New York corporation, with its principal place of business at Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 25, 1951 (16 F. R. 8629).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 17, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-11999; Filed, Oct. 4, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2686]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT 3¼ PERCENT NOTES TO PARENT COMPANY BY SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its subsidiary companies, Natural Gas Company of West Virginia ("Natural Gas"), having filed with this Commission a joint application pursuant to Sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Natural Gas proposes to issue and sell and Columbia proposes to acquire, from time to time prior to March 31, 1952, not to exceed $600,000 principal amount of Natural Gas' unsecured Installment Promissory Notes. Said notes would be registered and the principal amounts thereof are to be payable in twenty-five equal annual installments on February 15 of each of the years 1953 to 1977, inclusive. The unpaid principal amounts of said notes would bear interest at the rate of 3¼ percent per annum, payable semi-annually on February 15 and August 15 of each year during the time the notes are outstanding. The proceeds from the sale of said notes would be used by Natural Gas to finance a part of its proposed 1951 construction program.

Said joint application having been filed on August 9, 1951, and an amendment having been filed on September 24, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing with respect to said joint application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The joint application having represented that the only State Commission having jurisdiction over the proposed issuance and sale of the said notes by Natural Gas is the Public Service Commission of the State of West Virginia and that Commission having authorized the issuance and sale of such notes, and the joint applicants having requested that the Commission's order herein with respect to said joint application be granted, effective forthwith; and

The Commission finding with respect to the joint application as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith, subject to the terms and conditions specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11989; Filed, Oct. 4, 1951; 8:46 a. m.]

[File No. 70-2705]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

NOTICE REGARDING CASH CONTRIBUTION AND AN OPEN ACCOUNT ADVANCE FROM PARENT TO SUBSIDIARY COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and United Fuel Gas Company ("United Fuel"), a subsidiary company of Columbia, have filed a joint declaration with the Commission, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the following transactions:

Columbia proposes, prior to December 31, 1951, to make cash capital contributions to United Fuel in the maximum amount of $5,000,000. Columbia would increase its investment in the common stock of United Fuel by $4,999,825.55 and would charge $174.45 (the amount of the contribution which is applicable to the minority interest held in United Fuel by stockholders other than Columbia) to operating expense. United Fuel proposes to credit $5,000,000 to its capital surplus.

Columbia also proposes, prior to December 31, 1951, to make open account advances in the amount of $6,000,000 to United Fuel. Such advances will bear interest at the rate of 2¾ percent per annum and will be repayable on or before June 1, 1952. On or before that date Columbia expects to complete its own long-term debt financing and upon consummation thereof will fund United Fuel's 2¾ percent open account advances into long-term debt. Columbia states that the interest rate to be charged United Fuel on its long-term debt will depend upon the cost of money to Columbia.

The joint declaration states that such funds are required to finance United Fuel's construction program. In that connection, it is represented that the completion of United Fuel's construction program is dependent upon the availability of materials and therefore it is proposed that the proposed capital contributions, when and as funds are required by United Fuel, but not to exceed $5,000,000, will be consummated first, and thereafter, if additional funds are required, Columbia will advance to United Fuel on open account up to the maximum amount of $6,000,000.

Notice is further given that any interested person may, not later than October 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after October 9, 1951, said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11990; Filed, Oct. 4, 1951; 8:46 a. m.]

[File No. 70-2709]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING PROPOSED PURCHASE OF CERTAIN PROPERTY FROM NON-AFFILIATED INDIVIDUALS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Cumberland and Allegheny Gas Company ("Cumberland"), a subsidiary company of Columbia, have filed a joint declaration with this Commission, pursuant to sections 6 (a), 7 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the following transactions:

Cumberland proposes to purchase certain production property located in Preston County, West Virginia, from William E. Snee and Orville Eberly, independent gas producers, for a total consideration of $4,000,000, exclusive of two wells in process of drilling for which Cumberland will pay at their actual cost to the date of conveyance. Cumberland presently purchases the gas produced from these properties.

The property consists of eight operating wells, two wells in process of drilling, approximately 2,000 feet of two-inch pipe line, approximately 11,000 acres of leaseholds, approximately 700 acres of oil and gas rights, and approximately 100 acres in fee. Of the total purchase price, $380,000 is assignable to the cost of the eight operating wells and $2,000 to the cost of the pipe line. The balance of $3,618,000, except for $3,000 which is considered the value of certain surface rights, is assignable to the proven and unproven leaseholds, the oil and gas rights in certain acreage, and the property owned in fee. Cumberland estimates that the recoverable natural gas reserves of the property to be acquired are 33,400,000 mcf. Of the total purchase price of $4,000,000, $50,000 has been paid to bind the offer; $1,450,000 would be paid no later than November 15, 1951, and the balance of $2,500,000 would be paid in monthly installments, payable $41,667.06 on September 25, 1951, and the balance on the 25th day of each month thereafter in a monthly amount of $41,666.66 until said balance is fully paid.

Cumberland states that the purchase of these additional properties is essential in order to secure the maximum amount of gas from all sources in order to render adequate service to its existing customers in West Virginia and elsewhere and that it is in a better position than the sellers to develop said property by the drilling of additional wells.

Columbia proposes to advance $1,650,000 on open account to Cumberland which will take care of the down payments aggregating $1,500,000 and also the monthly payments through December 1951. Such advances will bear interest at the rate of 2¾ percent per annum and will be repayable on or before June 1, 1952. On or before that date Columbia expects to complete its own long-term debt financing and upon consummation thereof will fund Cumberland's 2¾ percent open account advances into long-term debt. Columbia states that the interest rate to be charged Cumberland on its long-term debt will depend upon the cost of money to Columbia.

Cumberland also proposes to issue its note or notes to Snee and Eberly in the aggregate amount of $2,500,000. Such note or notes will provide for the monthly payments as set forth above and will not bear interest.

Notice is further given that any interested person may, not later than October 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 9, 1951, said joint declaration, as filed or as amended, may be permitted to become effective forthwith as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-11991; Filed, Oct. 4, 1951; 8:47 a. m.]

[File No. 70-2710]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF COMMON STOCK FROM SUBSIDIARY TO PARENT AND AN OPEN ACCOUNT ADVANCE FROM PARENT TO SUBSIDIARY COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Cumberland and Allegheny Gas Company ("Cumberland"), a wholly owned subsidiary company of Columbia, have filed a joint application-declaration with the Commission, pursuant to sections 6 (b), 9, 10 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the following transactions:

Cumberland proposes to amend its Articles of Incorporation in order to increase its authorized common stock with a par value of $25 per share from 200,000 shares to 300,000 shares. Cumberland further proposes to issue and sell and Columbia proposes to acquire, at par, 94,000 shares of Cumberland's common stock, par value $25 per share, or a maximum amount of $2,350,000.

Columbia proposes to advance $750,000 on open account to Cumberland. Such advances will bear interest at the rate of 2¾ percent per annum and will be repayable on or before June 1, 1952. On or before that date Columbia expects to complete its own long-term debt financing and upon consummation thereof will fund Cumberland's 2¾ percent open account advances into long-term debt. Columbia states that the interest rate to be charged Cumberland on its long-term debt will depend upon the cost of money to Columbia.

The proceeds of the above transactions will be used by Cumberland to finance its 1951 construction program. In providing such funds to Cumberland, Columbia states that it will first purchase common stock from Cumberland when and as funds are required up to a maximum amount herein indicated and thereafter will make open account advances to Cumberland as more funds are necessary.

The joint application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the issue and sale of the common stock by Cumberland to Columbia.

Notice is further given that any interested person may, not later than October 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time

after October 9, 1951, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-11992; Filed, Oct. 4, 1951; 8:47 a. m.]

[File Nos. 70-2711]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

NOTICE OF FILING WITH RESPECT TO ISSUANCE OF FIVE YEAR NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on September 28, 1951.

In the matter of Southwestern Development Company, Amarillo Gas Company, West Texas Oil Company; File No. 70-2711.

Notice is hereby given that Southwestern Development Company ("Southwestern"), a registered holding company, and two of its wholly-owned subsidiary companies, Amarillo Gas Company ("Amarillo Gas") and West Texas Gas Company ("West Texas"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Sections 7, 10 and 12 (b) of the act have been designated as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 10, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration, as filed or as amended, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 10, 1951 said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Southwestern has outstanding $2,350,00 of 2½ percent unsecured notes due in annual installments to and including July 1, 1955, issued under a loan agreement with Guaranty Trust Company of New York ("Bank"), dated August 11, 1950. Amarillo Gas and West Texas are presently indebted to Southwestern in the amounts of $650,000 and $3,950,000, respectively, evidenced by separate unsecured 2½ to 3 percent five year notes.

Southwestern proposes to borrow from the Bank, under a supplemental loan agreement dated September 12, 1951, the principal amount of $1,000,000, and to issue and sell to the Bank, as evidence of said loan, its five year 3 percent unsecured note due in annual installments to and including July 1, 1956, in the same principal amount.

Southwestern proposes to advance the total proceeds of said loan ($1,000,000) to Amarillo Gas and West Texas in the principal amounts of $300,000 and $700,000, respectively. The two subsidiary companies proposed to issue and sell to Southwestern their separate five year 3 percent unsecured notes in the foregoing respective amounts, due in annual installments to and including July 1, 1956. Southwestern proposes to acquire said notes.

The joint application-declaration states that the proceeds of the proposed loans will be used by said subsidiary companies to provide necessary additional funds for enlargements and extensions of their natural gas facilities, to provide working capital, and for other proper corporate purposes. It is also stated that no state commission approval is required with respect to any of the proposed transactions. No finder's fee or commission is to be paid to any person for negotiating the transaction. The legal and other fees and expenses to be incurred in connection with the proposed transactions are estimated at not in excess of $1,000.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-11987; Filed, Oct. 4, 1951; 8:46 a. m.]

[File No. 70-2712]

COLUMBIA GAS SYSTEM, INC., AND KEYSTONE GAS CO., INC.

NOTICE REGARDING OPEN ACCOUNT ADVANCE AND A CAPITAL CONTRIBUTION BY PARENT TO SUBSIDIARY COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1951.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and The Keystone Gas Company, Inc. ("Keystone"), a wholly owned subsidiary company of Columbia, have filed a joint declaration with the Commission, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935, and Rule U-45 promulgated thereunder, with respect to the following transactions.

Columbia proposes to advance $300,000 on open account to Keystone. Such advance will bear interest at the rate of 2¾ percent per annum and will be repayable on or before June 1, 1952. On or before that date Columbia expects to complete its own long-term debt financing and upon consummation thereof will fund Keystone's 2¾ percent open account advances into long-term debt. Columbia states that the interest rate to be charged Keystone on its long-term debt will depend upon the cost of money to Columbia. Of the $300,000 to be acquired from Columbia, Keystone will use approximately $198,700 toward the completion of its 1951 construction program and approximately $101,300 for reimbursement of moneys actually expended on construction during 1950 and not obtained from the issuance of any form of indebtedness.

Columbia also proposes to make a capital contribution to Keystone in the amount of $300,000 by forgiving non-interest bearing loans of a like amount presently owing to Columbia by Keystone. Said non-interest bearing loans were made by Columbia to Keystone in 1947 for the purpose of financing Keystone's construction program of that year. Keystone proposes to credit $300,000 to its capital surplus and Columbia proposes to increase its investment in the common stock of Keystone by a like amount.

Notice is further given that any interested person may, not later than October 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 9, 1951, said joint declaration, as filed, or as amended, may be permitted to become effective forthwith as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-11988; Filed, Oct. 4, 1951; 8:46 a. m.]